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REGISTER

RULES
OF GOVERNMENTAL
AGENCIES



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EDITOR'S NOTE: The Cumulative Index and Sections Affected Index will be printed on a quarterly basis. The printing schedule for the quarterly and annual indices are as follows:

Issue 16 - April 16, 1999: Data Through March 31, 1999

Issue 29 - July 16, 1999: Data Through June 30, 1999

Issue 42 - October 15, 1999: Data Through September 30, 1999

Issue 3 - January 14, 2000: Data Through December 31, 1999 (Annual)

ILLINOIS DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Illinois Pesticide Act
- 2) Code Citation: 8 Illinois Administrative Code 250
- 3) Section Numbers:
250.120
Proposed Action:
Amended
- 4) Statutory Authority: Section 8 of the Illinois Pesticide Act [415 ILCS 60/8]
- 5) A Complete Description of the Subjects and Issues Involved: The control of tree roots in sewer lines has involved the use of pesticides for some time. However, the recent designation of metam sodium as a restricted use pesticide by the US EPA has caused the need for purchasers and users to be certified by the State. The Department of Agriculture has utilized the existing Rights-of-Way licensure category for this purpose but realizes that the Rights-of-Way category covers a much wider array of application types. The creation of a new certification and licensure category will allow the Department to develop and utilize training and testing programs targeted at this specific pesticide application type and ensure that sewer root control pesticide applicators are appropriately trained for the proper handling and application of these types of pesticide products.
- 6) Will these proposed amendments replace emergency rules currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any other proposed amendments pending on this part? No

10) Statement of Statewide Policy Objectives: Rule does not adversely affect units of local government.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: A 45-day written comment period will begin on the day the notice of rulemaking appears in the *Illinois Register*. In addition to the written comment period, a public hearing on the proposed rules will be held at 10:00 a.m. on Wednesday, January 26, 2000, Springfield Extension Center, Washington Room, State Fairgrounds, Illinois State Fair Building 30, Springfield, Illinois. Please mail written comments on the proposed rulemaking to the attention of:

Linda Rhodes
Department of Agriculture
State Fairgrounds, P.O. Box 19281
Springfield, Illinois 62794-9281

ILLINOIS DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

217//785-5713 Facsimile: 217//785-4505

In order for mailed comments to be available for consideration at the public hearing, please mail no later than Wednesday, January 12, 2000.

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities, and not-for-profit corporations affected: Any entity wishing to make an application of a pesticide with the purpose of controlling tree roots in a sewer system will be required to comply with the licensing requirements. However, the rule amendment will allow for the use of more appropriate training and testing materials designed for that type of pesticide use instead of the more general category in use by the Department at this time.
- B) Reporting, bookkeeping or other procedures required for compliance: No change from the present requirements.
- C) Types of professional skills necessary for compliance: No change from the present requirements.

13) Regulatory Agenda which this rulemaking was summarized: July 1999

The full text of the Proposed Amendments begins on the next page:

ILLINOIS DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

TITLE 8: AGRICULTURE AND ANIMALS
CHAPTER 1: DEPARTMENT OF AGRICULTURE
SUBCHAPTER 1: PESTICIDE CONTROL

PART 250

ILLINOIS PESTICIDE ACT

| | |
|---------|---|
| Section | Definitions |
| 250.10 | Registration of Pesticide Dealers Selling Restricted Use Pesticides |
| 250.20 | Registration of Pesticides |
| 250.30 | Registration of Experimental Use Pesticides |
| 250.40 | Registration of Special Local Need Pesticides |
| 250.50 | Emergency Exemption Registration |
| 250.60 | Method of Becoming Certified Applicators |
| 250.70 | Private Pesticide Applicators: Certification, Licensing, Testing and Training |
| 250.80 | Commercial Applicator, Commercial Not For Hire Applicator and Public Applicator: Certification, Testing and Licensing |
| 250.90 | Licensed Operator (Commercial Operator, Commercial Not For Hire Operator and Public Operator): Testing and Licensing |
| 250.100 | General Competency Standards to be Covered on the Tests |
| 250.110 | Technical Category Areas of Pesticide Use |
| 250.120 | Surety Bond or Liability Insurance |
| 250.130 | Interagency Committee on Pesticides |
| 250.140 | Record Keeping |
| 250.150 | Permits |
| 250.160 | Administrative Hearings |
| 250.170 | Administrative Penalties |
| 250.180 | Formulation Violations of the Label Claim |
| 250.190 | Reporting of Pesticide Incidents or Misuse Complaints |
| 250.200 | |

AUTHORITY: Implementing and authorized by the Illinois Pesticide Act [415 ILCS 60].

SOURCE: Adopted at 5 Ill. Reg. 732, effective January 6, 1981; codified at 5 Ill. Reg. 10527; amended at 6 Ill. Reg. 3071, effective March 8, 1982; amended at 8 Ill. Reg. 855, effective January 5, 1984; amended at 8 Ill. Reg. 16407, effective August 29, 1984; amended at 10 Ill. Reg. 7663, effective April 28, 1986; amended at 12 Ill. Reg. 12784, effective July 26, 1988; amended at 24 Ill. Reg. _____, effective _____.

Section 250.120 Technical Category Areas of Pesticide Use

- a) Category 1 is Agricultural Pest Control containing six subcategories as follows:
- 1) Field Crop Control
 - 2) This category of pesticide applicators includes those applying

ILLINOIS DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

pesticides in production of agricultural field crops including but not limited to field corn, soybeans, feed grains and forage as well as on grasslands and noncrop agricultural lands.

- 2) Vegetable Crop Pest Control
This category includes applicators using or supervising the use of pesticides in production of vegetable crops, including but not limited to tomatoes, sweetcorn, asparagus, peas, or beans as well as on grasslands and noncrop agricultural lands associated with the land on which vegetable crops are grown.
- 3) Fruit Crop Pest Control
This category includes applicators using or supervising the use of pesticides in the production of small fruits or tree fruits and nuts as well as on grasslands and noncrop agricultural lands associated with the land on which fruit or nut crops are grown.
- 4) Grain Facility Pest Control
This category includes applicators using pesticides for the prevention and control of pests in, on or around grain elevators or similar grain holding facilities which are not included under or classified as a part of the classification of Food Manufacturing, Food Processing, and Food Storage Facility. Pest control in, on, around food or feed facilities is one of the subcategories under Category 7.
- 5) Animal-Livestock Pest Control
This category includes applicators using or supervising the use of pesticides on animals, including but not limited to the following: beef cattle, dairy cattle, swine, sheep, horses, goats, poultry, and livestock and to places on or in which animals are confined or housed. Doctors of veterinary medicine engaged in the business of applying pesticides for hire, publicly holding themselves out as pesticide applicators or engaged in large scale use of pesticides are included in this category.
- 6) Grain fumigation Pest Control
This category includes private applicators (farmers) who use pesticides to treat stored grain upon their own property.
- b) Category 2 is Forest Pest Control.
This category includes applicators using pesticides in forests, forest nurseries and forest seed producing areas.
- c) Category 3 is Ornamental and Turf Pest Control containing the subcategories as follows:
 - 1) Ornamental Pest Control.
This category includes pesticide applicators applying pesticides in the maintenance and production of trees, ornamental trees, shrubs and flowers.
 - 2) Turf Pest Control.
This category includes pesticide applicators applying pesticides in the maintenance and production of sod and/or turf.
 - 3) Plant Management Pest Control.
This category includes pesticide applicators applying pesticides

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NOTICE OF PROPOSED AMENDMENTS

in the maintenance of portable plants used for interior landscaping and interior design.

d) Category 4 is Seed Treatment Pest Control.

This category includes applicators using pesticides on seeds.

e) Category 5 is Aquatic Pest Control.

This category includes applicators using pesticides purposefully applied to standing or running water, excluding applicators engaged in public health programs for the management and control of pests having medical and public health importance.

f) Category 6 is Right-of-Way Pest Control.

This category includes applicators using pesticides in the maintenance of public roads, electric powerlines, pipelines, railway right-of-way or other similar areas.

g) Category 7 is Industrial, Institutional, Structural, and Health Related Pest Control.

This category is under the jurisdiction of the Illinois Department of Public Health. Structural Pest Control Act [225 ILCS 235] ~~§§11-12~~ ~~Rev. Stat. 1967-chv-111-1/27-Par-2202-et-seq~~ and rules for that Act (77 Ill. Adm. Code 830).

h) Category 8 is Public Health Pest Control.

This category is under the jurisdiction of the Illinois Department of Public Health, except as hereafter provided. Mosquito Pest Control is a category of pesticide applicators using pesticides for the prevention and control of mosquitoes. Pesticide applications may be made on or around, although not limited to structures such as schools and hospitals, industrial and business establishments and adjacent areas, including ditches, canals, low wet areas, and stagnant pools, to prevent or control the spread of mosquito borne diseases and for control of nuisance level populations of pest mosquitoes. In accordance with Section 3(2) of the Act and the Structural Pest Control Act, the examination and training for this category is developed by the Department of Public Health. The examination, certification and licensing of applicants is administered by the Department of Agriculture. No other public health and structural pest control activities in fact or by implication are permitted under this license.

i) Category 9 is Regulatory Pest Control.

This category includes state, federal or other governmental employees who use or supervise the use of pesticides in the control of pesticide enforcement or regulatory activities.

j) Category 10 is Demonstration and Research Pest Control.

This category includes:

- 1) Individuals who demonstrate to the public the proper use and techniques of application of restricted use or general use pesticides or supervise such demonstration. Included in this group are such persons as extension specialists and county agents, commercial representatives demonstrating pesticide products, and those individuals demonstrating methods used in

ILLINOIS DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

PUBLIC PROGRAMS. 7-and

2) persons conducting field research with pesticides and, in doing so, use or supervise the use of restricted or general use pesticides.

3) included--in--the--first--group--are--such--persons--as--extension specialists--and--county--agents--commercial--representatives demonstrating--pesticide--products--and--those--individuals demonstrating--methods--used--in--public--programs.

k) Category 11 is Soil Fumigation Pest Control.
This category includes applicators using pesticides for soil fumigation.

l) Category 12 is Sewer Root Control.

This category includes applicators using pesticides for the control of roots within sewer systems.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

DRYCLEANER ENVIRONMENTAL RESPONSE TRUST FUND COUNCIL OF
ILLINOIS

NOTICE OF PROPOSED RULES

- 1) Heading of the Part: GENERAL PROGRAM
- 2) Code Citation: 35 Ill. Adm. Code 1500
- 3) Section Numbers:
1500.10 New Section
1500.20 New Section
1500.30 New Section
1500.40 New Section
1500.50 New Section
1500.60 New Section
- 4) Statutory Authority: Implementing and authorized by the Drycleaner Environmental Response Trust Fund Act (415 ILCS 135).
- 5) A Complete Description of the Subjects and Issues Involved: On August 17, 1997, the Drycleaner Environmental Response Trust Fund Act went into effect. Various implementation dates of the Act were amended pursuant to Public Act 91-0453, effective August 6, 1999. The proposed rules set forth definitions, license requirements, policies for applying for and receiving benefits and other administrative rules needed to implement the new program.
- 6) Will this rulemaking replace any emergency rulemaking currently in effect? Yes
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any proposed rulemakings pending on this part? No
- 10) Statement of Statewide Policy Objectives: This rule will not affect local government.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested parties should submit written comments or views concerning the proposed rulemaking to the attention of:

H. Patrick Eriksen
Drycleaner Environmental Response Trust Fund Council of Illinois
PO Box 7380
Bensenville, IL 60106-7380
(630) 741-0022
- 12) Initial Regulatory Flexibility Analysis:

DRYCLEANER ENVIRONMENTAL RESPONSE TRUST FUND COUNCIL OF
ILLINOIS

NOTICE OF PROPOSED RULES

- A) Types of small businesses, small municipalities and not for profit corporations affected: Drycleaning operators that are small businesses will be required to be licensed by the Act. They may also voluntarily participate in the insurance and remedial programs. Small municipalities and not for profit corporations are not affected by this Act.
- B) Reporting, bookkeeping or other procedures required for compliance: Small business drycleaner operators must maintain a log of their annual purchases of drycleaning solvent by calendar year. This is used to determine their license fee. To voluntarily participate in the insurance or remedial programs, small business drycleaner operators will be required to maintain the appropriate records to show that they are in compliance with federal and State regulatory requirements for handling and using drycleaning solvents.
- C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the two most recent regulatory agendas because: this Act was amended and was signed into law on August 6, 1999.

The full text of the Proposed Rules is identical to the text of the Emergency Rules appearing in this issue of the Illinois Register on page 399.

DRYCLEANER ENVIRONMENTAL RESPONSE TRUST FUND COUNCIL OF
ILLINOIS

NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Public Information
- 2) Code Citation: 2 Ill. Adm. Code 3100
- 3) Section Numbers:

| | |
|-------------------------|-------------|
| <u>Proposed Action:</u> | |
| 3100.10 | New Section |
| 3100.20 | New Section |
| 3100.30 | New Section |
| 3100.40 | New Section |
| 3100.50 | New Section |
| 3100.60 | New Section |
- APPENDIX A
- APPENDIX B
- ILLUSTRATION A
- ILLUSTRATION B
- ILLUSTRATION C
- ILLUSTRATION D
- ILLUSTRATION E
- ILLUSTRATION F
- 4) Statutory Authority: Implementing and authorized by the Drycleaner Environmental Response Trust Fund Act [415 ILCS 135/20(a)].
- 5) A Complete Description of the Subjects and Issues Involved: On August 17, 1997, the Drycleaner Environmental Response Trust Fund Act went into effect. Various implementation dates were amended pursuant to Public Act 91-0453, effective August 6, 1999. The proposed rules set forth definitions and other administrative rules needed to implement the Freedom of Information Act for the new program.
- 6) Will this rulemaking replace any emergency rulemaking currently in effect?
Yes
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by references? No
- 9) Are there any proposed rulemakings pending on this part? No
- 10) Statement of Statewide Policy Objectives: This rule will not affect local government.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested parties should submit written comments or views concerning the proposed rulemaking to the attention of:

H. Patrick Eriksen

DRYCLEANER ENVIRONMENTAL RESPONSE TRUST FUND COUNCIL OF
ILLINOIS

NOTICE OF PROPOSED RULES

Drycleaner Environmental Response Trust Fund
Council of Illinois
PO Box 7380
Bensenville, IL 60106-7380
(630) 741-0022

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: Drycleaning operators that are small businesses will be required to be licensed by the Act. They may also voluntarily participate in the insurance and remedial programs. Small municipalities and not for profit corporations are not affected by the Act.
- B) Reporting, bookkeeping or other procedures required for compliance: Small business drycleaner operators must maintain a log of their annual purchases of drycleaning solvent by calendar year. This is used to determine their license fee. To voluntarily participate in the insurance or remedial programs, small business drycleaner operators will be required to maintain the appropriate records to show that they are in compliance with federal and State regulatory requirements for handling and using drycleaning solvents.
- C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: This was not included on either of the two most recent agendas because this Act was amended and was signed into law on August 6, 1999.

The full text of the Proposed Rules is identical to the text of the Emergency Rules appearing in this issue of the Illinois Register on page **927**.

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

1) **Heading of the Part:** Secular Textbook Loan2) **Code Citation:** 23 Ill. Adm. Code 3503) **Section Numbers:** Proposed Action:

350.10 Amendment

350.15 Amendment

350.25 Amendment

4) **Statutory Authority:** 105 ILCS 5/18-17

5) **A Complete Description of the Subjects and Issues Involved:** These amendments will enable new schools (primarily charter schools) to access the Secular Textbook Loan program in their first year of operation. Each year, the State Board of Education notifies school administrators of the amount available to their pupils under the program. Under the current rules, the figures used to ascertain the per-pupil allocation for the designated grade levels to be funded are taken from the previous year's Fall Enrollment and Housing Report. The proposed amendments use the current year enrollment as of the last week in September, so that new schools would be able to apply in their first year of operation.

Other changes are being proposed to clarify the way in which the program operates, in particular providing for electronic submission of textbook request forms.

6) **Will these proposed amendments replace an emergency rule currently in effect?** No

7) **Does this rulemaking contain an automatic repeal date?** No

8) **Do these proposed amendments contain incorporations by reference?** No

9) **Are there any other proposed amendments pending on this Part?** No

10) **Statement of Statewide Policy Objectives:** This rulemaking will not create or enlarge a state mandate.

11) **Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:** Written comments may be submitted within 45 days of the publication of this notice to:

Sally Vogl
Agency Rules Coordinator
Illinois State Board of Education
100 North First Street, S-284
Springfield, Illinois 62777-0001
(217) 782-3950

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

12) **Initial Regulatory Flexibility Analysis:**

A) **Types of small businesses, small municipalities and not-for-profit corporations affected:** None

B) **Reporting, bookkeeping or other procedures required for compliance:** All participants in the program must stamp textbooks and materials loaned to their students as "Property of the State of Illinois." To participate in the program, eligible applicants must submit textbook request forms according to the procedures in the rules. In addition, recipients must follow prescribed procedures when they wish to dispose of any loaned textbooks and materials that they no longer need.

C) **Types of professional skills necessary for compliance:** None

13) **Regulatory Agenda on which this rulemaking was summarized:** July 1999

The full text of the Proposed Amendments begins on the next page:

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

"Request Form" means either a paper or an electronic version (i.e., via diskette or the Internet) of the document the eligible applicant uses to request the secular textbooks to be purchased under the program.

"School Administrator" means the superintendent of a school district or the chief administrative officer of a nonpublic school or other eligible school.

"School District" means--a public school district in the State of Illinois.

"Secular Textbook" means any book or book substitute which a pupil uses as a text or text substitute in a particular class or program. It shall include books, reusable workbooks, manuals, whether bound or in loose-leaf form, and instructional computer software intended as a principal source of study material for a given class or group of students. (Section 18-17 of the School Code)

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 350.15 Acquisition Procedures

- Students shall not be assessed a fee for any textbook or book substitute provided under the Secular Textbook Loan Program.
- Eligible applicants ~~Public and nonpublic schools registered with the State Board of Education~~ shall provide parents with a brief written explanation of the textbook loan program in a student handbook, newsletter, flyer or by similar means. A parent or student may request the loan of a secular textbook(s) by submitting an individual request that shall contain the following language: "I hereby request the loan of secular textbooks in accordance with Section 18-17 of the School Code. I understand that this request will remain valid so long as my son/daughter is enrolled in (name of school) and that I may at any time withdraw this request."
- Requested textbooks shall be those that ~~which~~ have been adopted for use in the district or school and that ~~which~~ are available from those companies that are bonded through the State Board of Education. The State Board of Education each fiscal year shall provide eligible applicants districts with the list of companies from which materials may be purchased and with the list of secular textbooks that the State Board of Education has identified as eligible under the program.
- In January of each year, the ~~the~~ State Board of Education shall distribute the Request Forms (to be completed by schools), the list of eligible secular textbooks, and the list of bonded companies to the Regional Offices of Education outside of Cook County and to each eligible applicant ~~school district and nonpublic school~~ located in

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER I: STATE BOARD OF EDUCATION
SUBCHAPTER J: TEXTBOOKS

PART 350
SECULAR TEXTBOOK LOAN

- Section 350.10 Definition of Terms
- 350.15 Acquisition Procedures
- 350.20 Administrative Practices (Repealed)
- 350.25 Disposal Disposition Procedures
- 350.30 Fiscal Procedures (Repealed)

AUTHORITY: Implementing and authorized by Section 18-17 of the School Code [105 ILCS 5/18-17].

SOURCE: Adopted September 27, 1976; amended at 2 Ill. Reg. 27, p. 163, effective June 27, 1978; amended at 4 Ill. Reg. 37, p. 770, effective September 6, 1980; codified at 7 Ill. Reg. 13870; amended at 8 Ill. Reg. 2462, effective February 15, 1984; amended at 15 Ill. Reg. 17597, effective November 20, 1991; amended at 20 Ill. Reg. 9951, effective July 12, 1996; amended at 24 Ill. Reg. _____, effective _____.

Section 350.10 Definition of Terms

"Eligible Applicant" for the purposes of this Part is a public school district in the State of Illinois or a nonpublic school that is in compliance with the compulsory attendance laws of Illinois and Title VI of the Civil Rights Act of 1964 and is registered with the State Board of Education, or any other publicly funded school located in the State.

"Student" means any student in this State who is enrolled in grades kindergarten through 12 at a public school or at a school other than a public school which is in compliance with the compulsory attendance laws of this State and Title VI of the Civil Rights Act of 1964. (Section 18-17 of the School Code [105 ILCS 5/18-17])

"Nonpublic School" means a school other than a public school which is in compliance with the compulsory attendance laws of this State and Title VI of the Civil Rights Act of 1964. (Section 18-17 of the School Code)

"Parent" means a parent or guardian of a child enrolled in a public or nonpublic school.

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NOTICE OF PROPOSED AMENDMENTS

Cook County ~~in January of each year~~. This information shall then be distributed by the Regional Superintendents of Schools to each public and nonpublic school in their respective regions.

- e) In January of each year, the State Board of Education will identify the grade levels to be funded and calculate the per-pupil allocation. School administrators will be notified in writing as to the total amount available to their students ~~of the district or nonpublic school~~ to be used for the grade levels identified for funding. The per-pupil allocation will be based upon the total amount of funds appropriated for the program and the total statewide public and nonpublic school enrollment in the specific grade levels to be funded, as of the last school day in September of the current school year ~~reflected in the Fall Enrollment and Housing Report for the preceding year~~.

- f) The Request Forms shall be compiled by the school administrator, and the administrator's signature on the Request Form shall certify compliance with Section 18-17 of the School Code and this Part, as well as with Article X, Section 3, of the Illinois Constitution, which provides in pertinent part that ~~no funds may be used to help support or sustain any institution controlled by any church or sectarian denomination~~.

- g) Each eligible applicant ~~school--district-and-nonpublic-school~~ shall submit to the ~~Regional-Superintendent-on-or-before-March--15~~ its completed Request Form as prescribed in this subsection (g) on or before March 15.

- 1) Schools located within the City of Chicago shall submit their Request Forms directly to the State Board of Education, Textbook Loan Program, 100 North First Street, Springfield, Illinois 62777-0001.

- 2) All other applicants shall submit their completed Request Forms to their respective Regional Office of Education. The Regional Superintendent shall review and approve all Request Forms and forward them to the State Board of Education on or before March 25 upon determining that the information and signature required on the Request Form have been provided.

- 3) Eligible applicants that choose to submit the completed Request Forms via the Internet shall do so in accordance with the procedures indicated on the Request Form.

- 4) Request Forms received after the deadline shall be returned to the applicant.

- ~~h) Forms received after the deadline shall be returned to the school~~
b) The school administrator shall be informed by the end of May ~~the State Board of Education will inform each Regional Superintendent and each school administrator by May 15~~ as to the specific textbooks that will be purchased.

- 1) For applicants located outside of Cook County, the State Board of Education shall inform each Regional Office of Education, which shall notify each applicant in its region.

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- 2) For applicants located in Cook County, the State Board of Education shall inform each applicant directly.

- 1) The school administrator shall confirm that the quantity and titles of all textbooks received are the same as ordered. Such confirmation shall be mailed to the State Board of Education within seven (7) days after receipt of the textbooks.

- 1) All textbooks provided through the program shall be listed on an inventory maintained by the State Board of Education. Each school shall identify (stamp) the materials received under the program as "Property of the State of Illinois, School Year ____."

- 1) Each recipient ~~school--district-or-nonpublic-school~~ shall have procedures to assure the return of all textbooks from those to whom they have been loaned.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 350.25 Disposal Disposition Procedures

- a) Textbooks received under the Textbook Loan Program may not be disposed of out-of-state or sold without the prior approval of the State Board of Education (Section 18-17 of the School Code) as provided in subsection (b) or (c) of this Section.

- b) Disposal Disposition of textbooks on loan for less than Five Years Textbooks on loan for less than five (5) years that a recipient ~~school district-or-nonpublic-school~~ determines are no longer needed to be unsuitable (e.g., elimination of program, wear, adoption of new textbooks) shall be disposed of in the following manner:

- 1) On a form provided by the State Board of Education, the recipient shall submit to the State Board a list of unsuitable textbooks that are no longer needed ~~shall be reported by mail to the State Board of Education~~, giving the International Standard Book Numbers (ISBN), quantity, grade level, and titles of the materials. If no ISBN is given for the materials, then a description must be provided of the unsuitable materials that are no longer needed.

- 2) The State Board of Education shall attempt to relocate these textbooks to other Illinois schools within ~~three (3) months after receiving the list by mail~~.

- A) A list of all textbooks that are no longer needed shall be disseminated to all eligible applicants in September of each year.

- B) Requests for these textbooks shall be honored on a first-come, first-served basis.

- C) Based on this effort, the State Board shall make appropriate notification to the sending and/or receiving schools and shall notify all parties in writing.

- D) Receiving schools shall be responsible for all

STATE BOARD OF EDUCATION

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transportation arrangements and for all costs incurred in the transportation of the textbooks from the sending school. Textbooks that **which** cannot be relocated by the end of January to another Illinois school pursuant to subsection (b)(2) of this Section may be disposed of pursuant to the exemption from the Illinois Property Control Act that has been granted by the Director of the Department of Central Management Services. A copy of the exemption will be provided to recipients. **nonpublic schools--and--school--districts** that seek to dispose of textbooks pursuant to this subsection (b)(3).

c) **Disposal** Disposition of Textbooks on loan for Five Years or More Textbooks on loan for five (5) or more years may be disposed of in such a manner as the school board, or nonpublic school or other eligible school determines, including out-of-state disposal or sale, provided that:

1) The school administrator provides written notification to the State Board of Education of the recipient's **school--district--or--nonpublic--schools** intent to dispose of the textbooks. Such notification shall:

A) Provide a list of **unsuitable** textbooks that are no longer needed, which shall be reported by mail to the State Board of Education giving the International Standard Book Numbers (ISBN), quantity, grade level, and titles of the materials. If no ISBN is given for the materials, then a description must be provided of the **unsuitable** materials that are no longer needed.

B) Cite the proposed method for disposing of the textbooks.

2) Notification shall be sent to the State Board of Education by certified U.S. mail, return receipt requested.

3) Textbooks shall not be disposed of in less than 30 days after **following** notification to the State Board. The date of delivery on the return receipt shall constitute the date of notification. If the State Board of Education identifies a disposition that better conserves public resources or better serves the interests of the public, then it shall, within 30 days after notification, arrange with the school to dispose of the materials in some alternative manner. If the State Board of Education does not arrange such action within 30 days, then the school shall dispose of the books as indicated in the notice to the State Board of Education.

4) **The school administrator shall notify the State Board in--writing of the date and manner of final textbook disposition:**

(Source: Amended at 24 Ill. Reg. _____, effective _____)

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED RULES

1) **Heading of the Part:** General Procedures for Emissions Tests Averaging

2) **Code Citation:** 35 Ill. Adm. Code 283

3) **Section Numbers:** **Proposed Action:**
 283.110 New Section
 283.120 New Section
 283.130 New Section
 283.210 New Section
 283.220 New Section
 283.230 New Section
 283.240 New Section
 283.250 New Section

4) **Statutory Authority:** Implementing and authorized by Section 4 of the Environmental Protection Act [415 ILCS 5/4].

5) **A Complete Description of the Subjects and Issues Involved:** These proposed rules would codify an existing Illinois Environmental Protection Agency policy of averaging emission test results for determining whether an emission unit that is subject to State testing requirements is in compliance with an applicable standard or limitation. When conducting a compliance test, an emission unit would be considered in compliance with the relevant standard if the average of three or more valid emissions test runs were at or below the level specified in the emissions standard. These rules will provide consistency with United States Environmental Protection Agency rules regarding procedures to be used when conducting performance tests for facilities regulated under New Source Performance Standards (40 CFR 60.8).

6) **Will this proposed rule replace an emergency rule currently in effect? No**

7) **Does this rulemaking contain an automatic repeal date? No**

8) **Does this proposed rule contain incorporations by reference? No**

9) **Are there any other proposed amendments pending on this Part? No**

10) **Statement of Statewide Policy Objective:** These proposed rules do not create or enlarge a State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].

11) **Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:** An Illinois EPA hearing on these proposed rules will be held on January 20, 2000 at 10 am at the Illinois EPA Main Office, TQM Room, 1021 North Grand Avenue East, Springfield, Illinois.

Questions or written comments concerning this rulemaking should reference

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED RULES

the General Procedures for Emission Test Averaging and be addressed to:

Alec Messina
Assistant Counsel
Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Avenue East, P.O. Box 19726
Springfield, Illinois 62794-9276
217/782-5544

Written comments must be received by the Illinois EPA by February 19, 2000, for inclusion in the hearing record.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: These proposed regulations will affect only those small businesses, small municipalities, and not for profit corporations that either own or operate any emission unit subject to State emission testing requirements.

B) Reporting, bookkeeping or other procedures required for compliance: The reporting, bookkeeping, and other required procedures are consistent with current Illinois EPA policies regarding stack testing.

C) Types of professional skills necessary for compliance: The same expertise is necessary as is currently required by Illinois EPA's policies regarding stack testing.

13) Regulatory Agenda on which this rulemaking was summarized: January 1999

The full text of the Proposed Rules begins on the next page:

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED RULES

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE B: AIR POLLUTION
CHAPTER II: ENVIRONMENTAL PROTECTION AGENCY

PART 283

GENERAL PROCEDURES FOR EMISSIONS TESTS AVERAGING

SUBPART A: INTRODUCTION

| | |
|---------|---------------|
| Section | |
| 283.110 | Purpose |
| 283.120 | Applicability |
| 283.130 | Definitions |

SUBPART B: PROCEDURES FOR AVERAGING OF TEST RESULTS

| | |
|---------|------------------------------|
| 283.210 | Criteria for Averaging Tests |
| 283.220 | Test Plan Requirements |
| 283.230 | Changes to the Test Plan |
| 283.240 | Averaging Procedure |
| 283.250 | Compliance Determination |

AUTHORITY: Implementing and authorized by Section 4 of the Environmental Protection Act [415 ILCS 5/4].

SOURCE: Old Part repealed at 13 Ill. Reg. 9501, effective June 12, 1989; New Part adopted at 24 Ill. Reg. _____, effective _____.

SUBPART A: INTRODUCTION

Section 283.110 Purpose

The purpose of this Part is to establish the general procedures and conditions for emissions tests averaging.

Section 283.120 Applicability

For the purpose of determining the compliance of an emission unit with an applicable limitation, standard, or permit conditions, unless otherwise specified by 35 Ill. Adm. Code Subtitle B, the arithmetic average of at least three valid test runs may be used, subject to the limitations and conditions contained in this Part. The emissions tests averaging procedure set forth in this Part may not be used for determining the compliance status of the following types of emission units:

- a) Emission units that are subject to the testing requirements set forth in Section 111 of the Clean Air Act, 42 USC 7401, Section 112 of the Clean Air Act, 42 USC 7402, or the regulations promulgated under those

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statutes; or

- b) Emission units that are being tested for emissions generated by any of the following types of waste: hazardous waste, as defined by Section 3.15 of the Illinois Environmental Protection Act (415 ILCS 5/3.15), or municipal waste, as defined by Section 3.21 of the Illinois Environmental Protection Act (415 ILCS 5/3.21).

Section 283.130 Definitions

Unless otherwise defined in this Section or unless a different meaning of a term is clear from its context, the definitions of terms used in this Part shall have the meanings specified by 35 Ill. Adm. Code 201.102 and 35 Ill. Adm. Code 211.

"Agency" means the Illinois Environmental Protection Agency.

"Continuous steady-state unit" means an emission unit that, as an inherent result of its design or operation, produces a steady-state emissions stream.

"Cyclic steady-state unit" means an emission unit that operates on a batch basis and that exhibits uniform operating parameters and produces similar emissions from batch to batch, and has a batch cycle time such that it is practical to perform a single test run during one or more whole batch cycles.

"Minor deviation" means a change to a test plan that does not affect the stringency of the emission limitation or standard (i.e., no emission limit or standard relaxation); and has no national significance (i.e., the change will not affect the applicable regulation's implementation for other sources in the affected category); and is site-specific (the applicability of the change is determined only for the source at issue). A minor deviation includes, but is not limited to, the following: a modified sampling traverse or location to avoid interference from an obstruction in the stack; increasing the sampling time or volume; use of additional impingers for a high moisture situation; accepting particulate emission results for a test run that was conducted with a lower than specified temperature; substitution of a material in the sampling train that has been demonstrated to be more inert for the sampling matrix; and changes in recovery and analytical techniques such as a change in quality control/quality assurance requirements needed to adjust for analysis of a certain sample matrix.

"Qualifying unit" means an emission unit that during normal operating conditions produces a consistent pattern of emissions.

"Valid test run" means a completed test run, conducted in accordance

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with a test plan submitted to the Agency, as required under Section 283.220 of this Part, or a test plan modified in accordance with Section 283.230 of this Part.

SUBPART B: PROCEDURES FOR AVERAGING OF TEST RESULTS**Section 283.210 Criteria for Averaging Tests**

Emissions tests results for an emission unit shall be averaged to determine compliance with the applicable limitation, standard, or permit conditions, provided that all of the following conditions are met:

- a) The emission unit is classified as a continuous steady-state unit, a cyclic steady-state unit, or another qualifying unit;
- b) At least three valid test runs are conducted, subject, however, to the provisions of Section 283.240(c) of this Part; and
- c) Each of the test runs to be averaged is performed according to the test plan submitted to the Agency prior to the test, pursuant to the provisions of Section 283.220 of this Part, or as may otherwise be modified and approved, according to the provisions of Section 283.230 of this Part.

Section 283.220 Test Plan Requirements

- a) A test plan must be submitted to the Agency when an owner or operator of an emission unit intends to average emissions tests results for that unit.
- b) A test plan must be submitted to the Agency for approval prior to conducting any emissions test when any one of the following applies:
 - 1) The Agency makes a written request for a test plan;
 - 2) A non-standard test method or procedure is to be used;
 - 3) A source seeks to test at operating parameters that differ from the maximum parameters specified in its operating permit;
 - 4) A source seeks to deviate from a prior test plan for that emission unit; or
 - 5) A test plan for the emission unit is required to be submitted by an Illinois Pollution Control Board Order, any court order, consent decree, Compliance Commitment Agreement, or permit provision.
- c) A test plan must specify:
 - 1) The purpose of the test;
 - 2) The operating parameters;
 - 3) The test methods; and
 - 4) Any other procedures that shall be followed when conducting an emissions test pursuant to the provisions of this Part.
- d) Notwithstanding subsections (a), (b), and (c) above, a test plan need not be submitted under the following circumstances:
 - 1) Where the source intends to utilize a test plan previously submitted to the Agency. However, the source must submit a notice

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containing the following:

- A) The purpose of the test;
 - B) Date the previously submitted test plan was submitted to the Agency; and
 - C) A statement that the source is relying on a previously submitted test plan.
- 2) Where the source intends to use a standard test method or procedure. However, the source must submit a notice containing the following:

- A) The purpose of the test; and
 - B) The standard test method or procedure to be used.
- e) The Agency is not required to review and approve or disapprove a test plan prior to the owner or operator of an emission unit conducting an emissions test.

Section 283.230 Changes to the Test Plan

- a) The owner or operator of an emission unit, or an authorized representative, may change the procedures, methods, or operating parameters of the emissions test at the time of the emissions test. Provided that the change is a minor deviation as defined in Section 283.130 of this Part. The emission unit owner or operator shall ensure that documentation of the change is submitted to the Agency along with the test results.
- b) If the owner or operator of an emission unit elects to use the provisions of subsection (a) of this Section, the following procedures shall apply, depending on the relevant circumstances:

- 1) If a representative of the Agency is on-site for the purpose of witnessing the emissions test, the owner or operator of the emission unit or an authorized representative may request permission from the Agency's representative to change the procedures, methods, or operating parameters of the emissions test as specified in the test plan, submitted pursuant to the provisions of Section 283.220 of this Part, provided that the change is a minor deviation, as defined in Section 283.130 of this Part.

- A) If the Agency representative approves the minor deviation, all test runs performed with this minor deviation may not be deemed invalid test runs by the Agency on the sole basis of the minor deviation.

- B) If the Agency representative disapproves the change to the procedures, methods, or operating parameters of the emissions test as specified in the test plan, then the owner or operator of the emission unit or an authorized representative may elect to perform the emissions test with the change. However, the Agency may subsequently disapprove the emissions test results if it finds that a valid test run was not obtained as a result of the change.

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- 2) If an Agency representative is not on-site for the purpose of witnessing the emissions test, the owner or operator of the emission unit or an authorized representative may elect to change the procedures, methods, or operating parameters of the emissions test as specified in the test plan, provided the change is a minor deviation, as defined in Section 283.130 of this Part. However, the Agency may disapprove the emissions test results if it finds that a valid test run was not obtained as a result of the change.

Section 283.240 Averaging Procedure

The following procedure shall be used when averaging emissions tests results:

- a) The average of the emissions tests results shall be determined by the arithmetic average of three valid test run results, as long as the test runs are conducted in conformance with either the provisions of an approved test plan or with a test plan that has been modified in accordance with Section 283.230 of this Part.
- b) Notwithstanding subsection (a) of this Section, if the owner or operator of an emission unit elects to perform more than three test runs, then the average shall be calculated based upon the results of all valid test runs.
- c) Notwithstanding subsection (a), in the event that a sample is accidentally lost or conditions occur in which one of the test runs must be discontinued because of forced shutdown, failure of an irreplaceable portion of the sample train, extreme meteorological conditions, malfunction or other dissimilar or non-representative circumstances, upon the owner's or operator's documentation of the existence of any of the circumstances set forth in this subsection (c) and verification by the Agency that the conditions existed, compliance may be determined by using the arithmetic average of the test results of all remaining valid test runs; however, a minimum of two valid test runs is required to determine compliance.

Section 283.250 Compliance Determination

- a) An emission unit will be determined to be in compliance with the applicable limitation, standard, or permit conditions when the average of the test results is either at or below the emission limit, standard, or permit conditions, and the test plan for the emission unit, submitted in accordance with Section 283.220 of this Part or as modified in accordance with Section 283.230 of this Part, has not been disapproved by the Agency.
- b) If an owner or operator of an emission unit does not meet the criteria for averaging under Section 283.240 of this Part, then each individual valid test run shall be required to meet the applicable limitation, standard, or permit conditions in order to demonstrate compliance.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Provider Requirements, Type Services, and Rates of Payment

2) Code Citation: 89 Ill. Adm. Code 686

3) Section Numbers: Proposed Action:

| | |
|---------|-------|
| 686.120 | Amend |
| 686.130 | Amend |
| 686.220 | Amend |
| 686.230 | Amend |
| 686.330 | Amend |
| 686.340 | Amend |

4) Statutory Authority: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3].

5) A Complete Description of the Subjects and Issues Involved: This rulemaking amends several Sections of this Part to alter the previous requirement of an annual review by DHS-ORS staff to a review at least every two years. This change will allow ORS to use staff more effectively to review and assist providers who are having difficulties. Other changes were made to reflect DHS organization and titles.

6) Will this proposed rule replace an emergency rule currently in effect?
No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference? No

9) Are there any other amendments pending on this Part? Yes

| | | |
|------------------------|------------------------|-----------------------------------|
| <u>Section Numbers</u> | <u>Proposed Action</u> | <u>Illinois Register Citation</u> |
| 686.350 | Amended | 23 Ill. Reg. 13330 |
| 686.620 | Amended | 23 Ill. Reg. 13330 |

10) Statement of Statewide Policy Objectives (if applicable): This rulemaking does not create or expand a State mandate.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

Ms. Susan Weir, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

3rd Floor Harris Bldg.
Springfield IL 62762
(217) 785-9772

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance:
None

C) Types of professional skills necessary form compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: This rulemaking was not anticipated when the DHS Regulatory Agenda was prepared.

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER d: HOME SERVICES PROGRAM

PART 686

PROVIDER REQUIREMENTS, TYPE SERVICES, AND RATES OF PAYMENT

SUBPART A: PERSONAL ASSISTANTS

Section
686.10 Personal Assistant (PA) Requirements
686.20 Services Which May Be Provided by a PA
686.25 Criminal Background Check
686.30 Annual Review of PA Performance
686.40 Payment for PA Services

SUBPART B: ADULT DAY CARE PROVIDERS

Section
686.100 Adult Day Care (ADC) Provider Requirements
686.110 Services Which Must Be Provided by ADC Providers
686.120 Annual Compliance Review of ADC Providers
686.130 Appeal of Compliance Review for ADC Providers
686.140 Payment for ADC Services

SUBPART C: HOMEMAKER SERVICES

Section
686.200 Homemaker Service Provider Requirements
686.210 Services Which Must Be Provided by Homemaker Agencies
686.220 Annual Compliance Review of Homemaker Agencies
686.230 Appeal of Compliance Review for Homemaker Agencies
686.240 Payment for Homemaker Services
686.250 Financial Reporting of Homemaker Services
686.260 Unallowable Costs for Homemaker Service
686.270 Minimum Direct Service Worker Costs for Homemaker Services
686.280 Cost Categories for Homemaker Services

SUBPART D: ELECTRONIC HOME RESPONSE SERVICES

Section
686.300 Electronic Home Response Services (EHRS) Provider Requirements
686.310 Services Which Must Be Provided by EHRS Providers
686.320 Minimum Specifications for EHRS Equipment
686.330 Annual Compliance Review of EHRS Providers
686.340 Appeal of Compliance Review for EHRS Providers
686.350 Rate of Payment for EHRS Services

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SUBPART E: MAINTENANCE HOME HEALTH SERVICE

Section
686.400 Maintenance Home Health Provider Requirements
686.410 Rate of Payment for Maintenance Home Health Services

SUBPART F: HOME DELIVERED MEALS

Section
686.500 Home Delivered Meals Provider Requirements
686.510 Rate of Payment for Home Delivered Meals

SUBPART G: ENVIRONMENTAL MODIFICATION

686.600 Environmental Modification Provider Requirements
686.610 Cost of Environmental Modification
686.620 Permanency of Environmental Modification
686.630 Reason for Denial of Environmental Modification
686.640 Verification of Environmental Modification

SUBPART H: ASSISTIVE EQUIPMENT

Section
686.700 Assistive Equipment Provider Requirements
686.710 Provision of Assistive Equipment
686.720 Verification of Receipt of Assistive Equipment

SUBPART I: RESPITE CARE

Section
686.800 Respite Care Provider Requirements

SUBPART J: CASE MANAGEMENT SERVICES TO PERSONS WITH AIDS

Section
686.900 Program Overview
686.910 Case Management Provider Responsibilities
686.920 Case Management Provider Requirements, Qualifications, and Training
686.930 Provider Staffing Requirements, Qualifications, and Training
686.940 Monitoring and Liability of Provider
686.940 Provider Compliance Requirements

SUBPART K: CASE MANAGEMENT SERVICES TO PERSONS WITH BRAIN INJURIES

Section
686.1000 Program Overview
686.1010 Case Management Provider Responsibilities
686.1020 Case Manager Staffing Requirements, Qualifications and Training
686.1025 Provisional Case Manager

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686.1030 Monitoring and Liability
686.1040 Provider Compliance Requirements

SUBPART L: BEHAVIORAL SERVICES FOR PERSONS WITH BRAIN INJURIES

Section
686.1100 Behavioral Services Provider Requirements
686.1110 Rate of Payment for Behavioral Services

SUBPART M: DAY HABILITATION SERVICES FOR PERSONS WITH BRAIN INJURIES

Section
686.1200 Day Habilitation Services Provider Requirements
686.1210 Rate of Payment for Day Habilitation Services

SUBPART N: PREVOCATIONAL SERVICES FOR PERSONS WITH BRAIN INJURIES

Section
686.1300 Prevocational Services Provider Requirements
686.1310 Rate of Payment for Prevocational Services

SUBPART O: SUPPORTED EMPLOYMENT SERVICES FOR PERSONS WITH BRAIN INJURIES

Section
686.1400 Supported Employment Service Provider Requirements
686.1410 Rate of Pay for Supported Employment Services

AUTHORITY: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3].

SOURCE: Adopted at 19 Ill. Reg. 5104, effective March 21, 1995; amended at 20 Ill. Reg. 12479, effective August 28, 1996; recodified from the Department of Rehabilitation Services to the Department of Human Services at 21 Ill. Reg. 9325; amended at 22 Ill. Reg. 18945, effective October 1, 1998; amended at 23 Ill. Reg. 19262, effective October 1, 1998; amended at 23 Ill. Reg. 499, effective December 22, 1998; amended at 23 Ill. Reg. 6457, effective May 17, 1999; amended at 24 Ill. Reg. _____, effective _____.

Section 686.120 Annual Compliance Review of ADC Providers

- a) DHS-ORS shall complete a an--annual review of each Adult Day Care Provider, at least every two years, to ensure compliance with the criteria set forth in this Subpart.
- b) The annual review shall consist of an on-site review conducted by HSP staff using the Adult Day Care Review form (IL 488-2129). Written notification shall be provided to the Adult Day Care Provider prior to the review.
- c) Within 15 days of the completion of the review, a copy of the

DEPARTMENT OF HUMAN SERVICES

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completed IL 488-2129, along with a letter stating the results of the review, shall be mailed to the Adult Day Care Provider. If the Adult Day Care Provider is approved, included with the letter shall be an Adult Day Care Provider Rate Agreement for execution by the appropriate provider staff and return to DHS-ORS. If the Adult Day Care Provider is not approved, the letter shall contain specific information regarding:

- 1) deficiencies found as a result of the review;
- 2) the action necessary for the ADC Provider to come into compliance;
- 3) the time frames within which the ADC Provider must come into compliance; and
- 4) the information necessary for the ADC Provider to request re-evaluation after the compliance issues are addressed.

(Source: Amended at 24 Ill. Reg. _____, effective _____.)

Section 686.130 Appeal of Compliance Review for ADC Providers

- a) ADC Providers determined not to be in compliance with DHS-ORS requirements as a result of the review may appeal the decision to the Chief of the Bureau Manager---Division of Home Services. The Bureau Chief Manager shall conduct a review of the facts related to the rating and shall, within 15 working days, provide a written decision to the ADC Provider.

- b) If the ADC provider is not satisfied with the decision of the Bureau Chief Manager, the ADC Provider may request review of the Chief's Manager's decision by the DHS-ORS Associate Director. The request must be in writing from the ADC provider and received by the DHS-ORS Associate Director within 10 working days after of the date the decision was rendered by the Bureau Chief Manager. The decision of the DHS-ORS Associate Director shall be final.

(Source: Amended at 24 Ill. Reg. _____, effective _____.)

Section 686.220 Annual Compliance Review of Homemaker Agencies

- a) DHS-ORS shall conduct a compliance review of any Homemaker Agency seeking an approved rate agreement with DHS and, at least every two years, annually shall conduct a compliance review of all Homemaker Agencies that have current rate agreements with DHS-ORS for the purpose of determining compliance or continued compliance with the criteria set forth in this Subpart.
- b) DHS-ORS shall notify all Homemaker Agencies having current approved rate agreements, in writing, at least 10 working days prior to the date of the review to determine continued compliance.

DEPARTMENT OF HUMAN SERVICES

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(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 686.230 Appeal of Compliance Review for Homemaker Agencies

- a) Homemaker Agencies determined not to be in compliance with DHS-ORS requirements, as a result of the review, may appeal the decision to the Chief of the Bureau Manager--Division of Home Services. The Bureau Chief Manager shall conduct a review of the facts related to the rating and shall, within 15 working days, provide a written decision to the Homemaker Agency.
- b) If the Homemaker Agency is not satisfied with the decision of the Bureau Chief Manager, the Homemaker Agency may request review of the Bureau Chief's Manager's decision by the DHS-ORS Associate Director. The request must be in writing and received by the DHS-ORS Associate Director within 10 working days after of the date the decision was rendered by the Bureau Chief Manager. The decision of the Associate Director shall be final.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 686.330 Annual Compliance Review of EHRS Providers

- a) DHS-ORS shall conduct a compliance review of any EHRS Provider seeking an approval from DHS-ORS and at least every two years annually shall conduct a review of all EHRS Providers that have current approval of DHS-ORS for the purpose of determining compliance or continued compliance with the criteria for approval set forth in this Subpart.
- b) DHS-ORS shall, when contacted by an EHRS Provider, or when notified by staff of the need to access the services of a specific EHRS Provider, conduct the review within a period of 60 calendar days.
- c) DHS-ORS shall notify all currently approved EHRS Providers, in writing, at least 10 working days prior to the date of the review to determine continued compliance.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 686.340 Appeal of Compliance Review for EHRS Providers

- a) EHRS Providers determined not to be in compliance with DHS-ORS requirements as a result of the review may appeal the decision to the Chief of the Bureau Manager--Division of Home Services. The Bureau Chief Manager shall conduct a review of the facts related to the rating and shall, within 15 working days, provide a written decision to the EHRS Provider.
- b) If the EHRS Provider is not satisfied with the decision of the Bureau

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Chief Manager, the EHRS provider may request review of the Bureau Chief's Manager's decision by the DHS-ORS Associate Director. The request must be in writing and received by the DHS-ORS Associate Director within 10 working days after of the date the decision was rendered by the Bureau Chief Manager. The decision of the DHS-ORS Associate Director shall be final.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Regulations under the Illinois Securities Law of 1953

- 2) Code Citation: 14 Ill. Adm. Code 130

- 3) Section Numbers: Proposed Action:
130.842 Amend
130.843 Amend

- 4) Statutory Authority: 815 ILCS 5

- 5) A Complete Description of the Subjects and Issues Involved:

Section 130.842 Amend to comply with new test language

Section 130.842 Amend to comply with new test language

- 6) Will this rulemaking replace any emergency rulemaking currently in effect?
Yes

- 7) Does this rulemaking contain an automatic repeal date? No

- 8) Do this rulemaking contain incorporation by reference? No

- 9) Are there any other proposed rulemaking pending on this Part? No

- 10) Statement of Statewide Policy Objectives: To continue to register Investment Advisers and Investment Adviser Representatives using the new test to be implemented by NASD and to modify registration requirements to reflect testing and registration changes.

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

Tanya Solov, Director
IL Securities Dept.
17 N. State St.
Suite 1100
Chicago, IL 60601
(312) 793-3384
Vickie Moseley
IL Securities Dept.
Lincoln Tower, 200
520 S. Second St.
Springfield, IL 62701
(217) 782-2256

All comments must be in writing.

- 12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: No change from existing regulation

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

- B) Reporting, bookkeeping or other procedures required for compliance:
No change from existing regulation

- C) Types of professional skills necessary for compliance: None

- 13) Regulatory agenda on which this rulemaking was summarized: This rulemaking was not included on either of the two most recent agendas because: changes on National level

The full text of the proposed amendment is identical to the text of the emergency amendments appearing in this issue of the Illinois Register on page 343.

TREASURER'S OFFICE

NOTICE OF PROPOSED RULE

1) Heading of the Part: Capital Crimes Litigation Trust Fund2) Code Citation: 74 Ill. Adm. Code 7253) Section Numbers: Proposed Action:

725.5 New

725.10 New

725.20 New

4) Statutory Authority: 725 ILCS 5/101-15

5) A Complete Description of the Subjects and Issues Involved: Rule covers the requirement of the Cook County State's Attorney and the Cook County Public Defender to file separate grant applications each fiscal year with the State Treasurer for a grant from the Capital Litigation Trust Fund. Rule requires the Cook County Treasurer to file a monthly report with the State Treasurer providing information on how the grant was utilized and the amount of the grant remaining. The Cook County Treasurer, as the grant recipient, shall be required to maintain adequate records and documentation related to the expenditure of the grants.

6) Will this proposed rulemaking replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this rulemaking contain incorporation by reference? No

9) Are there other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a state mandate.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on this rulemaking may be submitted in writing for a period of 45 days following publication of this notice to:

Martin O. Noven

Office of the Illinois State Treasurer

100 W. Randolph St., Suite 15-600

Chicago, Illinois 60601

(312) 814-1700

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None

TREASURER'S OFFICE

NOTICE OF PROPOSED RULE

B) Reporting, bookkeeping and other procedures required for compliance:
None

C) Types of skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: July 1999

The text of the Proposed Rule is identical to the text of the Emergency Rules appearing in this issue of the *Illinois Register* on page 356.

TREASURER'S OFFICE

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Procurement
- 2) Code Citation: 44 Ill. Adm. Code 1400
- 3) Section Numbers: Proposed Action:
1400.2020 Amendment
- 4) Statutory Authority: Section 1-30 of the Illinois Procurement Code (30 ILCS 500/1-30)
- 5) A Complete Description of the Subjects and Issues Involved: This amendment to the Treasurer's Procurement Rules will increase the small purchase threshold from \$10,000 to \$25,000.
- 6) Will this proposed amendment replace emergency rules currently in effect?
No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporation by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This amendment does not create or expand a state mandate.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments to:

Matthew A. Clarke
Office of the Illinois State Treasurer
100 W. Randolph Street, Suite 4-100
Chicago, Illinois 60601
(312) 814-8950

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: None
- B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

- 13) Regulatory Agenda on which this rulemaking was summarized: This proposed amendment did not appear on either of the two most recent Regulatory Agendas because: it was not anticipated at that time. It is being

TREASURER'S OFFICE

NOTICE OF PROPOSED AMENDMENT

proposed in order to remain consistent with the recent increase in the small purchase threshold of CMS for all State agencies.

The text of the proposed amendment is identical to the text of the emergency amendment appearing in this issue of the *Illinois Register* on page 959.

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Calculation, Assessment and Collection of Periodic Fees

- 2) Code Citation: 38 Ill. Adm. Code 375

- 3) Section Number: Adopted Action:

| | |
|--------|-----------|
| 375.10 | Amendment |
| 375.20 | Amendment |
| 375.30 | Amendment |
| 375.31 | New |
| 375.32 | New |
| 375.33 | New |
| 375.34 | New |
| 375.40 | Amendment |
| 375.41 | New |
| 375.50 | Amendment |
| 375.51 | New |
| 375.60 | Amendment |
| 375.70 | Amendment |

- 4) Statutory Authority: Implementing Section 48(3) of the Illinois Banking Act [205 ILCS 5/48(3)], Section 17 of the Foreign Banking Office Act [205 ILCS 645/17], and Section 5-10 of the Corporate Fiduciary Act [205 ILCS 620/5-10] and authorized by Section 48(3) of the Illinois Banking Act [205 ILCS 5/48(3)], Section 17 of the Foreign Banking Office Act [205 ILCS 645/17], and Section 5-1 of the Corporate Fiduciary Act [205 ILCS 620/5-1]

- 5) Effective Date of Adopted Amendment: December 31, 1999

- 6) Does this amendment contain an automatic repeal date? No

- 7) Does this amendment contain incorporations by reference? No

- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

- 9) Date Notice of Proposed Amendments was published in Illinois Register: October 9, 1999, Issue 41, 23 Ill. Reg. 12006

- 10) Has JCAR issued a Statement of Objection to this amendment? No

- 11) Differences between proposal and final version: The only differences are technical and formatting changes recommended by the Joint Committee on Administrative Rules and the Administrative Code Department.

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF ADOPTED AMENDMENTS

- 13) Will this amendment replace emergency amendments currently in effect? No

- 14) Are there any other proposed amendments pending on this Part? No

- 15) Summary and Purpose of amendments: The rulemaking modifies and updates the existing regulatory fee rule that applies to Illinois state chartered banks, trust companies, and foreign bank offices regulated by the Office of Banks and Real Estate. Certain fees are being established or increased to insure that regulatory fees for these institutions are sufficient to cover the cost of regulation and are assessed in an equitable manner. The rulemaking increases the annual fixed fee for state banks from \$800 to \$2,000. It raises the statutory EDP fee paid by state banks from 5.75% of a bank's call report fee to 15% of the fee to reflect the increased time and attention being devoted to regulation of EDP and information systems activities. Quarterly fees paid by State banks receiving regulatory ratings in the lowest 3 categories are increased to reflect the greater regulatory effort expended on such banks. The rulemaking also codifies certain existing regulatory fees already being paid by corporate fiduciaries and establishes a minimum quarterly fee for foreign bank offices in Illinois to insure that zero asset institutions help defray the cost of foreign bank office regulation.

- 16) Information and questions regarding these adopted amendments shall be directed to:

Scott D. Clarke
Assistant Commissioner
Office of Banks and Real Estate
500 East Monroe
Springfield, Illinois 62701
217/785-2900 fax: 217/557-0330

The full text of the adopted amendments begins on the next page:

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF ADOPTED AMENDMENTS

TITLE 38: FINANCIAL INSTITUTIONS
CHAPTER II: OFFICE OF BANKS AND REAL ESTATEPART 375
CALCULATION, ASSESSMENT AND COLLECTION OF PERIODIC FEES

| | |
|----------------|--|
| Section 375.10 | Purpose |
| 375.20 | Definitions |
| 375.30 | Call Report Fees |
| 375.31 | Electronic Data Processing Fee |
| 375.32 | Assessment of 3, 4, or 5 Rated State Banks |
| 375.33 | Foreign Banking Office Minimum Quarterly Fee |
| 375.34 | Corporate Fiduciary Regulatory Fee |
| 375.40 | Calculation of Call Report and Electronic Data Processing Fees |
| 375.41 | Calculation of Corporate Fiduciary Regulatory Fees for Resulting Corporate Fiduciaries |
| 375.50 | Assessment of Accrued Fees Against a Converting or Merging State Bank |
| 375.51 | Assessment of Accrued Fees Against a Corporate Fiduciary |
| 375.60 | Credits and Additional Assessments Not Applicable to Resulting National Banks |
| 375.70 | Payment by Electronic Transfer or Automatic Debit |

AUTHORITY: Implementing Section 48(3) of the Illinois Banking Act [205 ILCS 5/48(3)], Section 17 of the Foreign Bank Office Act [205 ILCS 645/17], and Section 5-10 of the Corporate Fiduciary Act [205 ILCS 620/5-10] and authorized by Section 48(3) of the Illinois Banking Act [205 ILCS 5/48(3)], Section 17 of the Foreign Bank Office Act [205 ILCS 645/17], and Section 5-1 of the Corporate Fiduciary Act [205 ILCS 620/5-1].

SOURCE: Adopted at 21 Ill. Reg. 8375, effective June 29, 1997; amended at 24 Ill. Reg. 225, effective DEC 31 1999.

Section 375.10 Purpose

This Part sets forth the manner in which the Office of Banks and Real Estate shall calculate, assess and collect Call Report Fees, and other periodic fees payable by state banks and corporate fiduciaries pursuant to Section 48(3) of the Illinois Banking Act, Section 17 of the Foreign Bank Office Act, and Section 5-10 of the Corporate Fiduciary Act. Nothing in this Part is to be construed as limiting or being applicable to other fees that the Office of Banks and Real Estate may assess pursuant to other provisions of the Illinois Banking Act, Foreign Bank Office Act, Corporate Fiduciary Act, or pursuant to other State laws or rules.

(Source: Amended at 24 Ill. Reg. 225, effective DEC 31 1999.)

OFFICE OF BANKS AND REAL ESTATE

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DEC 31 1999

Section 375.20 Definitions

"Act" means the Illinois Banking Act (205 ILCS 5/).

"Call Report Fee" means the fee to be paid to the Commissioner by each state bank pursuant to Section 48(3)(a) of the Act.

"Commissioner" means the Commissioner of the Office of Banks and Real Estate or a person authorized by the Commissioner to act in the Commissioner's stead.

"Corporate fiduciary" shall have the meaning ascribed to that term in Section 1-5.05 of the Corporate Fiduciary Act [205 ILCS 620/1-5.05].

"Corporate Fiduciary Regulatory Fee" means the fee to be paid to the Commissioner by each corporate fiduciary pursuant to Section 5-10(a) of the Corporate Fiduciary Act.

"Electronic Data Processing Fee" means the fee to be paid to the Commissioner by each state bank pursuant to Section 48(3)(a-2) of the Act.

"State bank" means a banking corporation that has a banking charter issued by the Commissioner under the Act, and shall include a foreign banking office holding a certificate of authority pursuant to the Foreign Banking Office Act [205 ILCS 645].

(Source: Amended at 24 Ill. Reg. 225, effective DEC 31 1999.)

Section 375.30 Call Report Fees

Each state bank shall pay to the Commissioner a Call Report Fee which shall be paid in quarterly installments equal to one-fourth of the sum of the annual fixed fee of \$2,000 \$999, plus a variable fee based on the assets shown on the quarterly statement of condition delivered to the Commissioner in accordance with Section 47 of the Illinois Banking Act [205 ILCS 5/47] for the preceding quarter according to the following schedule: 16¢ per \$1,000 of the first \$5,000,000 of total assets; 15¢ per \$1,000 of the next \$20,000,000 of total assets; 13¢ per \$1,000 of the next \$75,000,000 of total assets; 9¢ per \$1,000 of the next \$400,000,000 of total assets; 7¢ per \$1,000 of the next \$1,000,000,000 of total assets; 5¢ per \$1,000 of the next \$30,000,000 of total assets; 1¢ per \$1,000 of the next \$50,000,000 of total assets; and .5¢ per \$1,000 of all assets in excess of \$100,000,000 of the state bank. The Call Report Fee shall be calculated by the Commissioner and billed to state the banks for

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF ADOPTED AMENDMENTS

remittance at the time of the quarterly statements of condition provided for in Section 47 of the Act.

~~Each state bank which receives electronic data processing (EDP) services subject to the Commissioner's examination shall be assessed an EDP fee equal to 5-75% of the state bank's Call Report Fee. The EDP fee will be assessed and will be payable with the Call Report Fee.~~

(Source: Amended at 24 Ill. Reg. 225, effective DEC 31 1999.)

Section 375.31 Electronic Data Processing Fee

Each state bank shall pay to the Commissioner an Electronic Data Processing ("EDP") Fee equal to 1% of the state bank's Call Report Fee. The EDP Fee shall be calculated by the Commissioner and billed to state banks for remittance with the Call Report Fee.

(Source: Added at 24 Ill. Reg. 225, effective DEC 31 1999.)

Section 375.32 Assessment of 3, 4, or 5 Rated State Banks

If a state bank has received a Uniform Financial Institution Rating System ("UFIRS") composite rating of 3, 4, or 5 on its last state or federal examination, the state bank's total quarterly fee shall be increased by 2% on the bank's subsequent quarter billing. This assessment shall stay in effect until the quarter following the state bank's receipt of a UFIRS composite rating of 1 or 2 at the next state or federal examination.

(Source: Added at 24 Ill. Reg. 225, effective DEC 31 1999.)

Section 375.33 Foreign Banking Office Minimum Quarterly Fee

The minimum quarterly fee for a foreign banking office holding a certificate of authority pursuant to the Foreign Banking Office Act [205 ILCS 645] shall be \$1,250.

(Source: Added at 24 Ill. Reg. 225, effective DEC 31 1999.)

Section 375.34 Corporate Fiduciary Regulatory Fees

- a) Each corporate fiduciary shall pay to the Commissioner a Corporate Fiduciary Regulatory fee that shall be paid in quarterly installments equal to one-fourth of the sum of an annual fixed fee plus a variable exam-day fee.
- b) The annual fixed fee shall be \$200 for a trust department and for

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individuals or partnerships that possess a certificate of authority to accept and execute trusts. The annual fixed fee for a trust company shall be \$500. The variable exam-day fee shall be calculated at the rate of \$350 for each one-half exam-day of work expended by the Commissioner's examination personnel in performing the most recent statutorily required examination of the corporate fiduciary, subject to a minimum one-day charge.

- c) The Corporate Fiduciary Regulatory Fee shall be calculated by the Commissioner and billed to the corporate fiduciaries on the last day of each calendar quarter, with payment due within 30 calendar days after the billing date.

(Source: Added at 24 Ill. Reg. 225, effective DEC 31 1999.)

Section 375.40 Calculation of Call Report and Electronic Data Processing Fees for Resulting State Banks

- a) When a state bank results from a conversion by any financial institution other than a state bank and no statement of condition for such resulting state bank for the preceding quarter was submitted to the Commissioner pursuant to Section 47 of the Act, the Call Report Fee and EDP Fee shall be calculated for such resulting state bank in the same manner ~~using the formula~~ set forth in Section 375.30 and 375.31 of this Part based on the most recent periodic report of condition submitted by the converted financial institution to its primary regulator.

- b) When a state bank results from a merger of one or more financial institutions into the resulting state bank, the Call Report Fee and EDP fee shall be calculated for such resulting state bank in the manner ~~using the formula~~ set forth in Section 375.30 and 375.31 of this Part based on the aggregate of the total assets reported in the most recent periodic reports of conditions submitted by the merged financial institutions to their primary regulators.

(Source: Amended at 24 Ill. Reg. 225, effective DEC 31 1999.)

Section 375.41 Calculation of Corporate Fiduciary Regulatory Fees for Resulting Corporate Fiduciaries

When a corporate fiduciary results from a merger of one or more financial institutions into the resulting corporate fiduciary, the Corporate Fiduciary Regulatory Fee shall be calculated for the resulting corporate fiduciary in the manner set forth in Section 375.32 of this Part. If a statutorily required examination is not performed on the resulting corporate fiduciary prior to a quarter end, the variable exam-day fee will be based on the aggregate number of exam days expended by the Commissioner in performing the most recent

OFFICE OF BANKS AND REAL ESTATE

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statutorily required examination for each corporate fiduciary involved in the merger.

(Source: Added at 24 Ill. Reg. 225, effective 01/31/1994.)

Section 375.50 Assessment of Accrued Fees Against a Converting or Merging State Bank

When a state bank converts to a national bank, merges into a resulting national bank, dissolves, surrenders its certificate of authority or in any other manner ceases to be a state bank, such state bank shall be liable on a pro rata basis to the Commissioner for any accumulated Call Report Fee Fees and EDP fee prior up to, and including, to the date that the state bank ceases to be a state bank.

(Source: Amended at 24 Ill. Reg. 225, effective 01/31/1994.)

Section 375.51 Assessment of Accrued Fees Against a Corporate Fiduciary

When a corporate fiduciary surrenders its certificate of authority, that corporate fiduciary shall be liable on a pro rata basis to the Commissioner for the accumulated Corporate Fiduciary Regulatory Fee up to, and including, the date of surrender.

(Source: Added at 24 Ill. Reg. 225, effective 01/31/1994.)

Section 375.60 Credits and Additional Assessments Not Applicable to Resulting National Banks

A financial institution other than a state bank that results from a conversion by, or merger with, a state bank shall not be eligible for any credit and shall not be liable for any additional assessments described in Section 48(3)(d-1) of the Act [205 ILCS 5/48(3)(d-1)].

(Source: Amended at 24 Ill. Reg. 225, effective 01/31/1994.)

Section 375.70 Payment by Electronic Transfer or Automatic Debit

Payment of all fees assessed by the Commissioner pursuant to Section 48(3) of the Act [205 ILCS 5/48(3)], Section 37 of the Foreign Bank Office Act [205 ILCS 645/17], and Section 5-10 of the Corporate Fiduciary Act [205 ILCS 620/5-10] shall be made by each state bank and corporate fiduciary to the Commissioner by means of electronic transfer of funds from, or automatic debit of, an account of the state bank or corporate fiduciary, unless the Commissioner authorizes a

OFFICE OF BANKS AND REAL ESTATE

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state bank or corporate fiduciary to submit payment by some other means.

(Source: Amended at 24 Ill. Reg. 225, effective 01/31/1994.)

CAPITAL DEVELOPMENT BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Standards for Award of Grants: School Construction Program

- 2) Code Citation: 71 Ill. Adm. Code 40

- 3) Section Numbers: Adopted Action:
40-130 Amendment

- 4) Statutory Authority: Implementing the Capital Development Board Act (20 ILCS 3105) and authorized by Section 5-55 of that Act, and the School Construction law (105 ILCS 2301).

- 5) Effective date of amendment: December 27, 1999

- 6) Does this rulemaking contain an automatic repeal date? No

- 7) Does this rulemaking contain incorporations by reference? No

- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

- 9) Notice of Proposal Published in Illinois Register: September 10, 1999 (Issue 37) 23 Ill. Reg. 10896

- 10) Has JCAR issued a Statement of Objection to this amendment? No

- 11) Differences between proposal and final version: In Section 40-130 (8)(F), "Districts that applied for entitlements in fiscal year 1999, shall have their fiscal year 1998 grant index used as the multiplier." was deleted. Also, "A Grant Index shall lapse if a grant is not awarded within 36 months after entitlement, and a new Grant Index shall be issued based upon the district's most recent general State aid claim." was added.

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

- 13) Will this amendment replace an emergency amendment currently in effect? Yes

- 14) Are there any amendments pending on this Part? No

- 15) Summary and Purpose of Amendments: Identifies what fiscal year Grant Index is used as a multiplier for determining local and State funding share. Additionally, adds a provision to adjust the Grant Index 36 months after entitlement if a grant has not been awarded. Also, clarifies that project funds will be adjusted downward when bid prices are better than expected.

CAPITAL DEVELOPMENT BOARD

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- 16) Information and questions regarding this adopted amendment shall be directed to:

Fredrick W. Hahn, Chief Counsel
Capital Development Board
3rd Floor, Wm. G. Stratton Bldg.
Springfield, Illinois 62706
Telephone: 217/782-0700

The full text of the adopted amendments begins on the next page:

CAPITAL DEVELOPMENT BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 71: PUBLIC BUILDINGS, FACILITIES AND REAL PROPERTY
CHAPTER I: CAPITAL DEVELOPMENT BOARD
SUBCHAPTER a: RULES

PART 40

STANDARDS FOR AWARD OF GRANTS:

SCHOOL CONSTRUCTION
PROGRAM

Section

- 40.100 Definitions
- 40.110 General
- 40.120 Planning Assistance Grants (Repealed)
- 40.130 Construction Grants
- 40.140 Debt Service Grants (Repealed)

AUTHORITY: Implementing the Capital Development Board Act [20 ILCS 3105] and authorized by Section 5-55 of that Act and the School Construction Law [105 ILCS 230].

SOURCE: Adopted at 2 Ill. Reg. 30, p. 140, effective July 27, 1978; amended at 4 Ill. Reg. 9, p. 233, effective February 14, 1980; amended at 5 Ill. Reg. 1890, effective February 17, 1981; amended and codified at 8 Ill. Reg. 20342, effective October 1, 1984; amended at 9 Ill. Reg. 17345, effective October 29, 1985; amended at 13 Ill. Reg. 6973, effective April 21, 1989; amended at 20 Ill. Reg. 1244, effective November 15, 1996; emergency amendment at 22 Ill. Reg. 2597, effective January 13, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 9518, effective May 21, 1998; emergency amendment at 23 Ill. Reg. 6521, effective May 12, 1999, for a maximum of 150 days; emergency expired on October 9, 1999; amended at 23 Ill. Reg. 10788, effective August 20, 1999; emergency amendment at 23 Ill. Reg. 11320, effective August 27, 1999, for a maximum of 150 days; amended at 24 Ill. Reg. 233, effective Dec 27 1999.

Section 40.130 Construction Grants

Prior to the award of a construction grant, school districts shall meet the following requirements:

- a) Program Statements
 - Program Statements must be submitted to the Board as part of the school district's Application for Construction Grant Entitlement for proposed facilities and sites requiring SCP funding. Program Statements must conform to the SCP Educational Facilities Program Statement Guidelines as developed by the Board and which will address, but not be limited to, the following:
 - 1) Project Description and Rationale
 - 2) Occupant Capacity
 - 3) Site Analysis

CAPITAL DEVELOPMENT BOARD

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- 4) Project Design
- 5) Funding Sources and Cost Estimates
- 6) Time Schedule of Major Events

b) Prohibited Uses

Program statements shall not include any on-going operational costs or any construction projects for which the General Assembly and the Governor have approved specifically designated funds.

c) Standards for School Site Selection and Approval

- 1) The local school board shall select the sites for all new projects subject to the determination of the Board that the proposed site meets all minimum engineering and construction standards or requirements.
- 2) Suitability for Development and Construction
 - A) The site must be free of physical structures, topographical features or subsurface physical conditions that would preclude necessary construction, present insurmountable obstacles to safety or normal utilization, shorten building life, cause excessive delays in project completion, or cause costs to exceed the funds available. "Necessary construction" shall include but not necessarily be limited to: buildings, utility lines, storm water disposal arrangements and paving. The local district shall provide a report, acceptable to the Board, on soil conditions based on the removal of soil for testing. The cost to the local school district of the soil test and report of that test shall be considered as a credit to the local share of the recognized project cost if the site is approved and a grant award is made.
 - B) The site must not be subject to existing or foreseeable, harmful or disruptive environmental hazards and nuisances. Such hazards and nuisances may include, but are not necessarily limited to: excessive dust, smoke, noise, odors, air pollutants, soil pollutants, floods, ground water incursions, vibrations, explosions, and electrical discharges. Site acquisition shall be subject to the Farmland Preservation Act [505 ILCS 75], Interagency Wetland Policy Act of 1989 [20 ILCS 830], Illinois State Agency Historic Resources Preservation Act [20 ILCS 3410], Archaeological and Paleontological Resources Protection Act [20 ILCS 3435] and the Illinois Endangered Species Protection Act [520 ILCS 10], as may be applicable.
- 3) Availability of Site
 - A) The local district shall have a period of 150 days from the time of grant award to acquire title to the site, or rights of use and exclusion sufficient to carry out the purposes and programs of the school. Such time period may be extended for 60 days by the Executive Director. Any further extension must be approved by the Board. Extensions will be

CAPITAL DEVELOPMENT BOARD

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granted in those cases in which there is a reasonable expectation that the district will be able to acquire the site within the period of the extension and the delay has been occasioned by a condition beyond the control of the district, such as a delay in acquiring a title commitment.

B) A grant will not be awarded until the Board has had a reasonable opportunity to enter upon the site, inspect it in detail, and conduct whatever site tests are deemed necessary to establish the suitability of the site for school purposes.

C) The Board will not approve a site unless its development and use for the proposed school is in compliance with applicable laws, or unless action has been taken to bring variation of same into compliance.

D) When street vacations, utility relocations, or such action will be required prior to start of construction, the local district must present documentation that such actions will be approved by the responsible local governmental units before the Board will approve the site.

4) Site Size and Configuration

A) The proposed site must contain usable space sufficient in size and of regular configuration so as to accommodate the school's on-site program as well as to accommodate ancillary functions that are better served on-site than off-site, such as parking, bus loading and unloading, casual student assembly and play, and pedestrian movement between different points on the site.

B) The school's on-site program shall be defined to include the school's instructional program and any other activities and events the applicant school district plans to conduct on the site. The applicant may tailor its on-site program to fit the site proposed. Determination of the adequacy of the site's space in terms of the number of students shall be based on the design capacity of the school building.

C) Space for Buildings

In addition to those portions of the site required for other purposes, there must be a portion or portions of the site that are of such size, shape and physical quality that they are sufficient to accommodate the buildings that would be required by the maximum design enrollment of the school. This "building reserve" must be at least sufficient in ground area to provide for gross floor space, as set forth in the section on space standards for new construction, subsection (c)(4)(D) of this section. For facilities with more than one floor the "building reserve" must be at least sufficient in ground area to provide for one-half the gross floor space.

D) Non-Building Space

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i) At a minimum, the site must provide amounts of space (in addition to that reserved for buildings to meet "Special Requirements" as defined in subsection (c)(4)(E) of this Section of a shape, character and location that the site can readily be improved to provide areas suitable for physical education and recreation, any planned accommodation of vehicles, and the accommodation of outdoor access, circulation and evacuation in accordance with CDB's List of Eligible Capital Infrastructure Program Expenditures for Construction of New School Facilities (see subsection (c)(7)), "List of Eligible Expenditures".

ii) For additions to existing schools, the addition should not be planned on existing open space and/or playground area of existing schools, unless it can be demonstrated that the construction of the addition will not reduce the amount of space necessary to fulfill the program and provide adequate recreational space.

E) Special Requirements

Irrespective of required minimums, the site must be of sufficient size to provide for the following needs as indicated:

i) Space for Outdoor On-Site Program

There must be a portion or portions of the site, in addition to those reserved for other purposes, that are of such size, shape and physical character that they can be readily improved to accommodate the safe conduct of the outdoor portions of the on-site school program. The site must permit the safe conduct of a physical education program that meets district standards, taking into account the varying physical capacities of students, types and amounts of activities in the physical education program, and the daily and yearly time schedule of the school.

ii) Accommodation of Vehicles

In addition to those portions of the site, in addition to those necessary for other purposes, that are of such size, shape, physical quality and location that they can provide spaces for vehicles as indicated below without contravening local zoning ordinances: safe loading and unloading areas for school buses, where areas are necessary to the safety of students from street traffic; secure and convenient parking spaces for staff, visitors, and students in conformance with district policies; and safe accommodation of delivery and service vehicles involved in serving the school.

iii) Access, Circulation, Evacuation Assembly

CAPITAL DEVELOPMENT BOARD

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There must be portions of the site of such size, shape, physical quality and location that they can be improved to provide: unobstructed exterior avenues of escape from the exits of all proposed buildings and the areas adjacent to buildings in the event that evacuation is necessary; safe and convenient circulation by students between and among the building(s) and outdoor activity areas of the site; safe accommodation for the unsupervised outdoor assembly of students and their pastimes before school, after school, at lunch breaks and at recesses; safe accommodation of the outdoor assemblies of students and spectators occasioned by school-sponsored spectator events to be held on the site.

F) Variance of Site Size and Configuration

The Board will approve a proposed site which does not meet the minimum requirements of this subsection (c)(4) when all the following criteria have been met:

- i) The local school board petitions the State Board of Education and the Board for a variance from the minimum requirements of this subsection (c)(4) stating with specificity the reasons for such variance.
- ii) That the State Board of Education certifies to the Board that the variance complies with all requirements of the School Code and rules of the State Board of Education (23 Ill. Adm. Code 151).

5) Utilities and Services

A) Water Supply
Water must be available at the site in sufficient volume and delivery rates and of appropriate quality to serve the firefighting needs of the proposed school as well as to accommodate other forms of water consumption.

B) Sanitary Sewage Disposal

The location or character of the site must not prevent the disposal of sanitary sewage from the school.

C) Storm Water Disposal

The location or character of the site must not prevent the disposal of storm water from the school.

D) Electric, Power, Telephone, Gas

The site must present no obstacles to the provision of electric power, telephone services, and whatever gas service the school may require at the point in the construction process when utility hook-ups are made.

E) Solid Waste Management Systems

Solid waste management services must be available to the site.

6) Architect-Engineer Selection

The selection of an architect-engineer shall be in accordance

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with the Local Government Professional Services Selection Act [50 ILCS 510].

7) List of Eligible Expenditures:

- A) CDB will participate in the funding of academic facilities for all programs approved by the State Board of Education.
- B) CDB's participation in the funding of administrative facilities is limited to that space required for the administration of the educational and support program of the school. CDB will not participate in funding administrative facilities intended for district administration.
- C) CDB will not fund facilities intended for commercial use by profit making organizations. This is not meant to exclude facilities to be operated by non-profit organizations such as student groups, PTAs, etc.
- D) Although CDB encourages development of facilities intended for joint use by school and community, CDB's participation in the funding of facilities intended for joint use by school and community is limited to those items required to meet the needs of the school's educational and support programs.
- E) CDB will not participate in funding facilities designed exclusively for interscholastic activities. For example, although CDB will fund locker facilities in sufficient numbers to provide for the physical education program needs of a school's own students, CDB will not fund separate locker facilities for the exclusive use of visiting school teams.
- F) Off-site improvements are defined as any improvements outside of the property line. Off-site improvements are not recognized as eligible project costs except under exceptional circumstances and only in those cases where the off-site improvements are necessary to the functional operation of a school facility. The following specific policies apply to off-site improvements:
 - i) Off-site improvements that exceed the requirements needed for the project are ineligible project costs. For example, if a larger water main is desired by the locality than is needed for the school project itself, CDB will not participate in any cost attributable to the increased size of the main.
 - ii) The district must provide certification that local and/or federal funding sources are not available to the district or any other public body for off-site improvements before CDB will consider participation in their funding.
 - iii) CDB's participation in funding off-site improvements is only permitted if the off-site property or interest in the property, such as an easement or leasehold, is

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- owned by a public body.
- iv) Prior to grant award, as part of the pre-grant analysis, CDB will perform a cost-benefit analysis regarding the implications of off-site improvements for alternative sites. In evaluating need for off-site improvements, CDB will consider trade-offs among factors such as cost of off-site improvements, cost of site, and desirability of site location. For example, site acquisition cost plus major off-site improvements cost may still be less for one site than for another site requiring only minor off-site improvements. In such special cases, a site requiring major off-site improvements could be preferred. However, the specific policies in subsections (c)(7)(F)(i), (ii) and (iii) still apply.
- G) On-site improvements may be defined as any improvements outside the building's 5-foot line but inside the property line of the site. CDB's participation in funding on-site improvements is limited to those minimum requirements that are necessary to making the site functionally operational.
- H) CDB will evaluate space types of a sophisticated nature that support specialized activities in an elementary, middle/junior high school or high school. CDB will identify facilities of this type. Justification must be based on programmatic need. Such justification, to obtain the support of CDB, must have the support and concurrence of the State Board of Education.

- I) CDB will participate in the funding of vocational/technical facilities for all programs approved by the State Board of Education.

8) State and Local Financial Participation in School Construction Projects

- A) Determination of Recognized Project Cost
- i) Recognized project cost shall be based upon calculations in accordance with the List of Eligible Expenditures (see subsection (c)(7)) and shall include unit cost (\$/sq.ft.) as follows: buildings constructed to the five foot line, design and construction contingencies, building fixed equipment; plus additional associated costs as deemed appropriate by the Board in consultation with local school districts as follows: site improvements including related A/E fees and reimbursements, land acquisition and associated legal fees for the project site acquired, movable equipment, and utility service lines, both on-site and off-site, and special foundation construction and related A/E fees deemed necessary as a result of unusual sub-surface soil

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- conditions.
- ii) The recognized project costs initially calculated by CDB will establish the maximum acceptable cost of the eligible expenditures. If the bid price received by the district from the various contractors for the eligible expenditures is less than the bid estimate amount included in this initial calculation, then the recognized project cost will be reduced by the amount of the difference ~~to equal the bid price~~.
- iii) The Board shall establish and include in the List of Eligible Expenditures (see subsection (c)(7)) unit cost limitations for elementary, secondary and vocational school construction based upon periodic review and revision of maximum cost per gross square foot allowances.
- B) Project Standards for New Construction and Additions
- i) General
- CDB shall establish detailed project standards including space and capacity standards in the List of Eligible Expenditures (see subsection (c)(7)). New schools with adequate space for all necessary instructional and ancillary activities require more space per students than additions to existing schools. Different space standards are required to accommodate different grade levels, i.e., Pre-K-6, 7-9, and 9-12. Economies of scale in terms of space per student can be anticipated for larger schools.

- ii) Square Footage
- The following maximum standards are established for the determination of the State share of the recognized project cost in connection with a construction grant:

Square Foot Per Student

ELEMENTARY (Pre-K-6)

| | |
|-----------------------------------|-----|
| Gross square feet | 100 |
| per student | |
| per additional student beyond 240 | 82 |

MIDDLE/JUNIOR HIGH SCHOOL (7-9)

| | |
|-----------------------------------|-----|
| Gross square feet | 120 |
| per student | |
| per additional student beyond 400 | 100 |

HIGH SCHOOL (9-12)

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Gross square feet per student 140
per additional student beyond 600 110

C) Remodeling or Rehabilitation

The recognized project cost for remodeling/ rehabilitation projects must be developed on an individual basis with space per student not to exceed standards set for construction as set forth in subsection (c)(7)(B), and unit costs not to exceed standards for new construction as established from time to time by the Board.

D) Premises for Space Standards

i) All necessary types of space shall be included for freestanding schools.

ii) An average space-per-student can be derived from space type need by level: elementary, middle/junior high and high school.

iii) Space needs for additions to existing schools may be less than needs for freestanding schools.

iv) A building efficiency (net assignable space to total space) of 65% is the acceptable minimum.

v) Unit costs (\$/sq.ft.) used for determining the recognized project cost, including A/E design fees, building construction to the five foot line, fixed equipment, associated legal fees and a contingency shall be no greater than those unit costs established from time to time by the Board. Said unit costs are determined as needed and are established by the Board and included in the List of Eligible Expenditures (see subsection (c)(7)). In establishing unit costs the Board members shall be guided by current costs within the construction industry and the goal of receiving fair value for public funds expended.

E) Limits on SCP Participation and Site Cost

Districts will not receive Board assistance or credit for acreages beyond the following maximums:

Elementary (Pre-K-6) - 5 acres plus 1 acre per 100 students,
Middle/Junior High (7-9) - 15 acres plus 1 acre per 100 students, and

F) High School (9-12) - 20 acres plus 1 acre per 100 students. The State and local share of the recognized project cost shall be computed by multiplying the recognized project cost by the Grant Index as defined by the School Construction Law and determined by the State Board of Education. For each grant issued after September 1, 1999, the equalized assessed valuation and average daily attendance used in calculating a district's Grant Index shall be taken from the district's general State aid claim filed in the fiscal year in which the grant entitlement is made. The average daily attendance

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to be used shall be the district's best three months' average daily attendance. A Grant Index shall lapse if a grant is not awarded within 36 months after entitlement, and a new Grant Index shall be issued based upon the district's most recent general State aid claim. Local districts must have access to the local share of the recognized project cost within 90 days after the grant award by the Board. Such period may be extended by the Executive Director for a maximum period of 30 days if the district demonstrates that appropriate steps have been taken to obtain the district's share of the recognized project cost and that an additional 30 days is necessary to complete the process. Local school districts are urged to begin referendum proceedings upon grant entitlement by the State Board of Education.

G) The local share of the recognized project cost may be placed in a local trust account pursuant to 71 Ill. Adm. Code 30.

H) School districts may add to a project cost beyond the recognized project cost with local funds. Funds for such project supplements may be deposited in local trust accounts.

I) All enrichment project costs that are not included in the recognized project cost and designated as ineligible expenditures by the Capital Development Board will be paid by the local district.

(Source: Amended at 24 Ill. Reg. 233 effective 01/01/1999)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENT

1) Heading of the Part: The Travel Regulation Council

2) Code Citation: 80 Ill. Adm. Code 3000

3) Section Numbers: Adopted Action:
3000.400 Amend

4) Statutory Authority: Implementing and authorizing by Sections 12-1, 12-2 and 12-3 of the State Finance Act [30 ILCS 105/12-1, 12-2 and 12-3]

5) Effective Date of Amendments: December 27, 1999

6) Does this rulemaking contain an automatic repeal date? No

7) Do these Amendments contain incorporations by reference? Yes

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Date Notice of Proposal Published in Illinois Register: September 10, 1999
23 Ill. Reg. 10905

10) Has JCAR issued a Statement of Objections to the Amendments? No

11) Differences between proposal and final version: No changes.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No changes were necessary.

13) Will these amendments replace an emergency amendment currently in effect?
Yes

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Amendments: This amendment incorporates a reference to the Federal Register publication which summarizes federal lodging rates.

16) Information and questions regarding this adopted amendment shall be directed to:

Stephen W. Seiple
720 Stratton Office Building
Springfield, IL 62706
(217)782-9669

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENT

The full text of the adopted amendments begin on the next page.

ILLINOIS COMMUNITY COLLEGE BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) **Heading of the Part:** Administration of the Illinois Public Community College Act
- 2) **Code Citation:** 23 Ill. Adm. Code 1501
- 3) **Section Numbers:**
 1501.201 Amendment
 1501.309 Amendment
 1501.505 Amendment
 1501.510 Amendment
 1501.603 Amendment

- 4) **Statutory Authority:** 110 ILCS 805/2-12, 110 ILCS 805/2-11, 110 ILCS 805/6-4, 110 ILCS 805/2-12, 110 ILCS 805/5-4

- 5) **Effective Date of Amendments:** December 21, 1999

- 6) **Does this rulemaking contain an automatic repeal date?** No

- 7) **Do the amendments contain incorporations by reference?** No

- 8) **A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.**

- 9) **Notice of Proposal Published in Illinois Register:** January 4, 1999; 23 Ill. Reg. 13

- 10) **Has JCAR issued a Statement of Objection to the amendments?** No

- 11) **Differences between proposal and final version:** All changes recommended by JCAR were incorporated.

- 12) **Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR?** Yes

- 13) **Will the amendment replace an emergency amendment currently in effect?** No

- 14) **Are there any amendments pending on this Part?** Yes

| Sections | Proposed Action | Illinois Register Citation |
|--------------------|-------------------|----------------------------|
| 1501.501 amendment | November 19, 1999 | (23 Ill. Reg. 13713) |
| 1501.503 amendment | November 19, 1999 | (23 Ill. Reg. 13713) |
| 1501.507 amendment | November 19, 1999 | (23 Ill. Reg. 13713) |
| 1501.508 repeal | November 19, 1999 | (23 Ill. Reg. 13713) |
| 1501.509 repeal | November 19, 1999 | (23 Ill. Reg. 13713) |
| 1501.511 amendment | November 19, 1999 | (23 Ill. Reg. 13713) |
| 1501.515 repeal | November 19, 1999 | (23 Ill. Reg. 13713) |

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- | | | |
|--------------------|-------------------|----------------------|
| 1501.516 amendment | November 19, 1999 | (23 Ill. Reg. 13713) |
| 1501.517 repeal | November 19, 1999 | (23 Ill. Reg. 13713) |
| 1501.518 amendment | November 19, 1999 | (23 Ill. Reg. 13713) |
| 1501.519 amendment | November 19, 1999 | (23 Ill. Reg. 13713) |
| 1501.520 amendment | November 19, 1999 | (23 Ill. Reg. 13713) |
| 1501.522 repeal | November 19, 1999 | (23 Ill. Reg. 13713) |
| 1501.602 amendment | November 12, 1999 | (23 Ill. Reg. 13502) |
| 1501.604 amendment | November 12, 1999 | (23 Ill. Reg. 13502) |

15) **Summary and Purpose of Amendment:**

Course Classification: The revisions to ICB rules regarding course classification are needed to facilitate the articulation of transfer courses. This revision offers colleges the choice of using the Illinois Articulation Initiative process of identifying transfer courses or utilizing the process specified in ICB rules.

Student Tuition: The revisions to ICB rules regarding student tuition are needed to pursue modifications to out-of-district and out-of-state tuition rates resulting from recommendations made by the ICB Finance Advisory Committee.

Financial Reporting Requirements: The revisions to ICB rules regarding financial reporting requirements are a result of needed changes in reporting financial data to the ICB.

Capital Project Priority Criteria: The revisions to ICB rules regarding capital project priority criteria are a result of recommendations of the ICB Capital Funding Task Force designed to update and improve ICB criteria for construction projects.

- 16) **Information and questions regarding these adopted amendments shall be directed to:**

Cherie VanMeter
 Administrative Aide
 Illinois Community College Board
 401 East Capitol Avenue
 Springfield, Illinois 62701-1711
 (217) 785-0053

The full text of the adopted amendments begins on the next page:

ILLINOIS COMMUNITY COLLEGE BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER VII: ILLINOIS COMMUNITY COLLEGE BOARD

PART 1501

ADMINISTRATION OF THE ILLINOIS PUBLIC COMMUNITY COLLEGE ACT

SUBPART A: ILLINOIS COMMUNITY COLLEGE BOARD ADMINISTRATION

| Section | |
|----------|--|
| 1501.101 | Definition of Terms |
| 1501.102 | Advisory Groups |
| 1501.103 | Rule Adoption (Recodified) |
| 1501.104 | Manuals |
| 1501.105 | Advisory Opinions |
| 1501.106 | Executive Director |
| 1501.107 | Information Request (Recodified) |
| 1501.108 | Organization of ICCB (Recodified) |
| 1501.109 | Appearance at ICCB Meetings |
| 1501.110 | Appeal Procedure |
| 1501.111 | Reporting Requirements (Repealed) |
| 1501.112 | Certification of Organization (Repealed) |
| 1501.113 | Administration of Detachments and Subsequent Annexations |
| 1501.114 | Recognition |

SUBPART B: LOCAL DISTRICT ADMINISTRATION

| Section | |
|----------|---|
| 1501.201 | Reporting Requirements |
| 1501.202 | Certification of Organization |
| 1501.203 | Delineation of Responsibilities |
| 1501.204 | Maintenance of Documents or Information |
| 1501.205 | Recognition Standards (Repealed) |

SUBPART C: PROGRAMS

| Section | |
|----------|--|
| 1501.301 | Definition of Terms |
| 1501.302 | Units of Instruction, Research, and Public Service |
| 1501.303 | Program Requirements |
| 1501.304 | Statewide and Regional Planning |
| 1501.305 | College, Branch, Campus, and Extension Centers |
| 1501.306 | State or Federal Institutions (Repealed) |
| 1501.307 | Cooperative Agreements and Contracts |
| 1501.308 | Reporting Requirements |
| 1501.309 | Course Classification and Applicability |

SUBPART D: STUDENTS

ILLINOIS COMMUNITY COLLEGE BOARD

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| Section | |
|----------|------------------------|
| 1501.401 | Definition of Terms |
| 1501.402 | Admission of Students |
| 1501.403 | Student Services |
| 1501.404 | Academic Records |
| 1501.405 | Student Evaluation |
| 1501.406 | Reporting Requirements |

SUBPART E: FINANCE

| Section | |
|----------|---|
| 1501.501 | Definition of Terms |
| 1501.502 | Financial Planning |
| 1501.503 | Audits |
| 1501.504 | Budgets |
| 1501.505 | Nonresident Student Tuition Calculations |
| 1501.506 | Published Financial Statements |
| 1501.507 | Credit Hour Grants |
| 1501.508 | Special Populations Grants |
| 1501.509 | Workforce Preparation Grants |
| 1501.510 | Reporting Requirements |
| 1501.511 | Chart of Accounts |
| 1501.514 | Business Assistance Grants (Repealed) |
| 1501.515 | Advanced Technology Equipment Grants |
| 1501.516 | Capital Renewal Grants |
| 1501.517 | Retirees Health Insurance Grants |
| 1501.518 | Uncollectible Debts |
| 1501.520 | Lincoln's Challenge Grants |
| 1501.521 | Technology Enhancement Grants |
| 1501.522 | Deferred Maintenance Grants |

SUBPART F: CAPITAL PROJECTS

| Section | |
|----------|---|
| 1501.601 | Definition of Terms |
| 1501.602 | Approval of Capital Projects |
| 1501.603 | State Funded Capital Projects |
| 1501.604 | Locally Funded Capital Projects |
| 1501.605 | Project Changes |
| 1501.606 | Progress Reports (Repealed) |
| 1501.607 | Reporting Requirements |
| 1501.608 | Approval of Projects in Section 3-20.3.01 of the Act |
| 1501.609 | Completion of Projects Under Section 3-20.3.01 of the Act |
| 1501.610 | Demolition of Facilities |

SUBPART G: STATE COMMUNITY COLLEGE

ILLINOIS COMMUNITY COLLEGE BOARD

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1501.701 Definitions of Terms

1501.702 Applicability

1501.703 Recognition

1501.704 Programs

1501.705 Finance

1501.706 Personnel

1501.707 Facilities

SUBPART H: PERSONNEL

Section

1501.801 Definition of Terms

1501.802 Sabbatical leaves

AUTHORITY: Implementing and authorized by Articles II and III and Section 6-5.3 of the Public Community College Act (110 ILCS 805/Arts. II and III and 6-5.3).

SOURCE: Adopted at 6 Ill. Reg. 14262, effective November 3, 1982; codified at 7 Ill. Reg. 2332; amended at 7 Ill. Reg. 16118, effective November 22, 1983; Sections 1501.103, 1501.107 and 1501.108 recodified to 2 Ill. Adm. Code 5175 at 8 Ill. Reg. 6032; amended at 8 Ill. Reg. 14262, effective July 25, 1984; amended at 8 Ill. Reg. 19383, effective September 28, 1984; emergency amendment at 8 Ill. Reg. 22603, effective November 7, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 24299, effective December 5, 1984, for a maximum of 150 days; amended at 9 Ill. Reg. 3691, effective March 13, 1985; amended at 9 Ill. Reg. 3470, effective June 11, 1985; amended at 9 Ill. Reg. 16813, effective October 21, 1985; amended at 10 Ill. Reg. 3612, effective January 31, 1986; amended at 10 Ill. Reg. 14658, effective August 22, 1986; amended at 11 Ill. Reg. 7606, effective April 8, 1987; amended at 11 Ill. Reg. 18150, effective October 27, 1987; amended at 12 Ill. Reg. 6660, effective March 25, 1988; amended at 12 Ill. Reg. 15973, effective September 23, 1988; amended at 12 Ill. Reg. 16699, effective September 23, 1988; amended at 12 Ill. Reg. 19691, effective November 15, 1988; amended at 13 Ill. Reg. 1182, effective January 13, 1989; amended at 13 Ill. Reg. 14904, effective September 12, 1989; emergency amendment at 14 Ill. Reg. 299, effective November 9, 1989; for a maximum of 150 days; emergency amendment expired on April 9, 1990; amended at 14 Ill. Reg. 4126, effective March 1, 1990; amended at 14 Ill. Reg. 10762, effective June 25, 1990; amended at 14 Ill. Reg. 11771, effective July 9, 1990; amended at 14 Ill. Reg. 13997, effective August 20, 1990; expedited correction at 18 Ill. Reg. 3027, effective August 20, 1990; amended at 15 Ill. Reg. 10929, effective July 11, 1991; amended at 16 Ill. Reg. 12445, effective July 24, 1992; amended at 16 Ill. Reg. 17621, effective November 6, 1992; amended at 17 Ill. Reg. 1653, effective February 2, 1993; amended at 18 Ill. Reg. 4635, effective March 9, 1994; amended at 18 Ill. Reg. 8906, effective June 1, 1994; amended at 19 Ill. Reg. 2299, effective February 14, 1995; amended at 19 Ill. Reg. 2816, effective February 21, 1995; amended at 19 Ill. Reg. 7515, effective May 26, 1995; amended at 21 Ill. Reg. 5891, effective

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April 22, 1997; amended at 22 Ill. Reg. 2087, effective January 12, 1998; amended at 22 Ill. Reg. 17472, effective July 10, 1998; amended at 24 Ill. Reg. 249, effective July 21, 1999.

SUBPART B: LOCAL DISTRICT ADMINISTRATION

Section 1501.201 Reporting Requirements

Complete and accurate reports shall be submitted by the district/college to the ICCB in accordance with ICCB requirements and on forms provided by the ICCB, where applicable.

Listed below is the schedule of due dates indicating when items from the community colleges are due at the Illinois Community College Board Office:

| | | |
|-------------|----|---|
| January 1 | - | construction project status reports (see Section 1501.607(a)) |
| January 31 | - | certificate of tax levy (see Section 1501.510(i)) |
| | - | fall fiscal year-to-date unaudited uniform financial reporting system data (see Section 1501.510(b)) |
| February 15 | - | spring semester enrollment survey (see Section 1501.406(a)) |
| May 30 | - | occupational follow-up study data for specified curricula (FS) (see Section 1501.406(c)) |
| July 1 | - | annual noncredit course enrollment survey (see Section 1501.406(e)) Resource Allocation and Management Plan (RAMP/CC) (see Section 1501.510(b)) |
| July 31 | - | Spring fiscal year-to-date unaudited uniform financial reporting system data (see Section 1501.510(a)) |
| August 1 | -- | workforce--preparation--grant--report--(see Section-1501-505(f)) |
| | -- | advanced technology--equipment--grant--report--(see-Section-1501-515(d)) |
| | -- | Resource---Allocation---and---Management--Plan (RAMP/CC)--(see-Section-1501-518(f)) |
| | - | program review report (see Section 1501.303(d)) |

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- program review listing (see Section 1501.303(d))
- **credit-hour-certification-final-report** (see Section--2-16-of-the-Public-Community-College Act)
- annual student enrollment and completion data (see Section 1501.406(a))
- square footage and acreage (facility Information) (see Section 1501.510(c))
- special initiative grants report (see Section 1501.519(d))

- application for recognition for specified colleges (see Section 1501.202(d))
- underrepresented groups report/special **populations--grant---report** (see Sections 1501.406(d) and 1501.508(d))
- unit cost data (see Section 1501.510(d))
- **unit-cost-data** (see Section 1501.510(e))
- **confirmation-of--IGGB-grants-and-district credit-hours-by-the-external-auditor** (see Section 1501.503(b))

- **summer-fiscal-year-to-date-unaudited--uniform financial--reporting-system-data** (see Section 1501.510(f))

- **budget-survey** (see Section 1501.501(e))
- fall enrollment survey (see Section 1501.406(b))
- fall enrollment data (see Section 1501.406(a))
- faculty, staff and salary data (see Section 1501.308(a))
- external audit (see Section 1501.503(a))
- special initiative grants audit (see Section 1501.503(b))

- **special-populations-grant-audit** (see Section 1501.503(f))
- **workforce-preparation--grant---audit---** (see Section 1501.503(f))
- **advanced-technology-equipment-grant-audit** (see Section 1501.503(f))
- fiscal year budget (see Section 1501.504)
- certificate of chargeback (see Section 1501.503(a))

September 1

September 15

September 30

October 1

October 15

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- **unexpended-special--populations--grant--funds** (see Section 1501.508(f))
- **unexpended-workforce-preparation--grant-funds** (see Section 1501.509(f))
- annual fiscal year audited uniform financial reporting system data (see Section 1501.510(f))
- audit/unit cost reconciliation statement (see Section 1501.510(g))
- unexpended special initiative grant funds (see Section 1501.519(e))

- **audit/unit-cost-reconciliation-statement** (see Section 1501.510(g))
- annual financial statements and notice of publication (see Section 1501.506)

30 days after the end of each term - course resource data and credit hour claims (see Section 1501.606(b) and Section 1501.507(a))

60 days after the end of the fall term - inventory of facilities (see Section 1501.606(c))

(Source: Amended at 24 Ill. Reg. 24 9 effective JUL 2 1999)

SUBPART C: PROGRAMS

Section 1501.309 Course Classification and Applicability

- a) Course Classification. Information on courses for which credit is to be awarded shall be submitted to ICCB on forms provided by ICCB in order for the courses to be classified into appropriate instructional and funding categories and added to the college's Management Information System (MIS) Course Master File.
- b) Course Credit Hour Determination.
 - 1) Credit hours for courses for which ICCB credit hour grants are to be claimed shall be determined on the basis of an expected **forty-five** 45 hours of combined classroom/laboratory and study time for each semester hour or thirty 30 hours of such time for each quarter credit hour.
 - 2) Courses with students participating in lecture/discussion oriented instruction will be assigned one semester credit hour or equivalent for each **fifteen** 15 classroom contact hours of instruction per semester or equivalent. It is assumed that two (2) hours of outside study will be invested for each classroom contact hour.
 - 3) Courses in which students participate in

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laboratory/clinical-laboratory oriented instruction will be assigned one (1) semester credit hour or equivalent for each 30-45 classroom contact hours of instruction per semester or equivalent. It is assumed that one (1) hour of outside study will be invested for each two (2) laboratory contact hours.

- 4) Students who participate in nonclinical internship, practicum, or on-the-job supervised instruction shall receive one (1) semester credit hour or equivalent for each 75-149 contact hours per semester or equivalent and students who participate in clinical practicum shall receive one semester hour credit or equivalent for each 30-60 contact hours per semester or equivalent. It is assumed that one (1) hour of outside study time will be invested from each two (2) clinical practicum contact hours.

- c) Course Syllabus. A syllabus shall be developed and maintained for each credit course and shall be available to the public and students upon request. A syllabus contains the description of the course, specific objectives of the course, a topical outline, and the method for evaluating student performance.

- d) Course Applicability. All credit courses must be part of an approved unit of instruction (pursuant to Section 1501.302), and the approved unit of instruction for each course shall be indicated on the college's ICB MIS Course Master File.

- 1) Lower-division Baccalaureate Courses. Courses designed to meet lower-division baccalaureate degree requirements shall be applicable to associate transfer degrees. For each baccalaureate course offered, the college shall either obtain approval for the course to be listed as a Statewide articulated transfer course by a general education or baccalaureate major panel of the Illinois Articulation Initiative or maintain current written articulation agreements or transfer equivalency documents with:

- A) at least three (3) Illinois public universities, or
B) at least three baccalaureate degree-granting institutions to which a majority (51%) of the college's students transfer, or

- C) one or more baccalaureate degree-granting institutions to which a majority (51%) of the college's students, majoring in the field for which the course is required, transfer.

- 2) Remedial Course Credit. No remedial course credit shall be applicable to associate degrees designed for transfer to institutions granting baccalaureate degrees.

- 3) Adult Basic Education Course Credit. No adult basic education course credit is applicable to degrees or to certificates, except the Adult Basic Education Certificate.

- 4) Adult Secondary Education Course Credit. No adult secondary or college preparatory education course credit is applicable to degrees or certificates, except the Adult Secondary Education Certificate.

- 5) General Studies Course Credit. General studies course credit is

ILLINOIS COMMUNITY COLLEGE BOARD

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applicable only to the Personal Development; Homemaking; Improving Family Circumstances; Intellectual and Cultural Studies; Community and Civic Development; and Health, Safety and Environment Certificates.

- e) Special Upper-division Courses.
1) A college may offer any course that is offered by a university, regardless of numbering system, if the university normally permits its own students to take the course as lower-division students. Such courses will be eligible for ICB grants, if they meet all other criteria.

- 2) If at least three (3) public universities in Illinois agree, or if a public university which is the principal recipient of transfers from the community college agrees, certain special courses taught at the upper-division level may be offered by a college and be eligible for ICB grants, provided they meet all other criteria.

- f) Independent Study. Independent Study course credit shall not exceed 25 percent of the credit hour requirements for a student to earn an associate degree. The topic of an independent study course shall be listed on the student's permanent academic record.

- g) Internships. An internship experience for credit that is designed to provide the student an opportunity to put into practice the theories and techniques learned in the classroom/laboratory shall be applicable to an associate degree or certificate, provided at least twelve (12) semester credit hours or equivalent in the corresponding curriculum are completed by the student prior to, or are taken by the student concurrently with, such experience.

- h) Courses Approved as Repeatable.

- 1) Courses in which the content varies from term to term or from student to student (e.g., independent study, special topics, and internship courses) or in which a student is expected to gain increased depth of knowledge and skill through repetition (e.g., music, speech, theatre, and Journalism performance or production courses) shall, at the request of the college, be approved for repeatability under the following conditions:

- A) The number of times the course may be taken for credit does not exceed four semesters (or six quarters);

- B) The method of determining the amount of credit to be awarded for each section of the course, for each term, or for each student is specified in the college's catalog, on the course syllabus, and on the course classification form, and the subject matter and number of credits for which the student enrolled is specified on the student's permanent academic record;

- C) The college's catalog, the course syllabus, and the course classification form requesting approval of repeatability by the ICB indicate the number of such credits that will apply to degree or certificate completion for a single course or a

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combination of related courses; and

D) The total number of credit hours for a single course or for a combination of related courses that are applicable to degree or certificate completion does not exceed the maximums established in subsection (e) governing independent study, subsection (b) governing credit hour determination, or Section 1501.507(b)(10) governing the maximum rate of credit hour production.

2) A vocational skill course that persons employed in an occupation or vocation must retake periodically by law in order to maintain employment shall, at the request of the college, be approved for repeatability under the following conditions:

A) The content of the course is determined by law and does not change from one year to the next, and

B) A copy of the law (or regulation administering it) and a course syllabus accompany the course classification form requesting repeatability.

3) An adult basic, adult secondary, or a remedial education course that is organized into discrete modules and offered for variable credit shall, at the request of the college, be approved for repeatability under the following conditions:

A) No discrete module is repeated more than three times.

B) The title of each module completed and the grade received is permanently recorded on the student's permanent academic record, and

C) The content and number of credit hours for each discrete module is shown on the course syllabus and on the course classification form requesting approval of repeatability by the ICCB.

4) An adult basic, adult secondary or a remedial education course that is not organized into discrete modules shall, at the request of the college, be approved for repeatability under the following conditions:

A) The number of times the course may be taken for credit does not exceed four times, i.e., repeatable three times.

B) The variety of skill levels included in the course and the methods used to accommodate individual differences based on an assessment of student skills is specified in the course syllabus.

C) The course title and the grade received is permanently recorded on the student's academic record each time that the course is taken.

(Source: Amended at 24 Ill. Reg. 249 effective JUL 21 1994)

SUBPART E: FINANCE

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Section 1501.505 Nonresident Student Tuition Calculations

Each community college district will establish its own student tuition rates for in-district residents, in-State out-of-district residents, out-of-State residents, and out-of-country residents in accordance with the State policies prescribed in Section 6-4 of the Illinois Community College Act [110 ILCS 805/6-4] and in this Section.

a) In-district Tuition. The local community college board of trustees may set the tuition rates for in-district residents within the following policies: ~~the depreciation rate used in the out-of-district tuition calculation--for capital expenditures--for equipment--and temporary buildings shall be 12.5 percent each year--for eight--(8) years--and for permanent facilities 2 percent each year for fifty (50) years.~~

1) The local community college board of trustees may set tuition rates for its in-district residents, including variable rates for each of its programs, terms, time of enrollment, courses, delivery method, or other identifiable grouping of courses, as long as the weighted average of the tuition for all credit courses, including adult education, is no more than 1/3 the college district's per capita cost. The method of calculating the per capita cost will be as prescribed in Section 6-2 of the Illinois Community College Act.

2) A public community college shall permit senior citizens (as defined in 110 ILCS 990/1(c) as persons 65 years or older whose annual household income is less than the threshold amount provided in Section 4 of the Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act) to enroll without the payment of tuition in regularly scheduled credit courses, other than credit courses designed specifically for senior citizens, provided that available classroom space exists and tuition paying students enrolled constitute the minimum number required for the course.

b) Out-of-District Tuition. The local community college board of trustees may set the tuition rates for out-of-district residents living within Illinois within the following policies: ~~the foreign student tuition rate shall be the same as out-of-state student tuition rate--as specified in Chapter 122--the Illinois--1986-4, 1--of-the-1991 Illinois Revised Statutes (110 ILCS 805/6-4)11.~~

1) The college will use the calculation for out-of-district tuition for chargeback purposes as prescribed in Section 6-2 of the Illinois Community College Act. The depreciation rate used in the out-of-district tuition calculation for capital expenditures for equipment and temporary buildings shall be 12.5 percent each year for eight years and for permanent facilities 2 percent each year for 50 years.

2) The college may use the variable tuition provision in Section 6-4 of the Illinois Community College Act to set market-driven

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out-of-district tuition rates for courses offered via Internet, correspondence, and other distance learning modes.

- 3) The college may set the out-of-district tuition rates for adult basic education, adult secondary education, and English as a second language courses for students who do not meet eligibility requirements in 105 ILCS 5/10-22.20 of Illinois School Code.

- 4) The college may charge in-district tuition to a student who is an out-of-district resident but who is employed for at least 35 hours per week by an entity located in the district or is enrolled in a course that is being provided under terms of a contract for services between the employing entity and the college.

- 5) The college board of trustees may at its option charge in-district tuition to out-of-district residents who are attending an educational institution located within the college district.

- 6) The college may enter into cooperative agreements for instruction with its neighboring districts for any or all of their programs to provide increased access to education for their students and may charge in-district tuition rates for students from any district within the cooperative agreement.

- 7) The college may set the out-of-district tuition rate for all other credit instruction offered by the college at a minimum of 1.5 times the highest in-district tuition rate of any of its neighboring contiguous Illinois community college districts.

- c) Out-of-State Tuition. The local community college board of trustees may set the tuition rates for out-of-State residents within the following policies:

- 1) The college may use the variable tuition provision specified in Section 6-4 of the Illinois Community College Act to set market-driven out-of-State tuition rates for courses offered via Internet, correspondence, and other distance learning modes.

- 2) The college may set the out-of-State tuition rates for adult basic education, adult secondary education, and English as a second language courses for students who do not meet eligibility requirements in 105 ILCS 5/10-22.20 of the Illinois School Code.

- 3) The college may charge in-district tuition to a student who is an out-of-State resident but who is employed for at least 35 hours per week by an entity located in the district or is enrolled in a course that is being provided under terms of a contract for services between the employing entity and the college.

- 4) The community college board of trustees may at its option charge in-district tuition to students who are out-of-State residents but who are attending educational institutions within the college district.

- 5) The college may set out-of-State tuition rates within interstate agreements for instruction with out-of-State institutions in accordance with the agreement, subject to approval by the ICCB.

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- 6) The college may set out-of-State tuition rates for all other credit instruction offered by the college at a minimum of 1.67 times its in-district tuition rate.

- d) Out-of-Country Tuition. The local community college board of trustees may set the tuition rates for out-of-country residents using the same policies as for out-of-State residents described in subsection (c) of this Section.

(Source: Amended at 24 Ill. Reg. 24 9 effective 10/21/1994)

Section 1501.510 Reporting Requirements

Each college shall submit the items listed below in a format prescribed by the ICCB and according to the schedules indicated.

- a) Fiscal year-to-date unaudited uniform financial reporting system data by July 31 for the period July 1 - June 30 of the previous fiscal year.
- b) Resource allocation and management plan (RAMP) data by July August 1 of each year.
- c) Square footage and acreage (facility information) are due August 1.
- d) Unit cost data for the previous fiscal year by September 1 15 following the end of that fiscal year.
- d) Fiscal year-to-date unaudited uniform financial reporting system data by September 30 for the period July 1 - August 31.
- e) A survey of local budget and tax extensions and collections by September October 1 of each year.
- f) Annual fiscal year audited uniform financial reporting system data by October 15 following the end of the previous fiscal year.
- g) An Audit/Unit Cost Reconciliation Statement by October 15 November 1 of each year.
- h) Fiscal year-to-date unaudited uniform financial reporting system data by January 31 for the period July 1 - December 31.
- i) Certificate of Tax Levy by January 31 of each year.

(Source: Amended at 24 Ill. Reg. 24 9 effective 10/21/1994)

SUBPART F: CAPITAL PROJECTS

Section 1501.603 State Funded Capital Projects

- a) Projects Eligible to Receive State Funds. State funds may be requested for capital projects, both those to be purchased and those to be constructed, as defined herein. The funds shall be requested prior to construction and may include or consist of architectural and engineering fees associated with the project. Such projects shall consist of:

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- 1) Buildings, Additions, and/or Structures (including fixed equipment). Types of buildings that may be included are:
 - A) Administration and student personnel services facilities.
 - B) Central utility facilities.
 - C) Classrooms.
 - D) Fine and applied arts classrooms and laboratories.
 - E) Libraries.
 - F) Occupational, technical, and semi-technical laboratories, shops, and classrooms.
 - G) Other structures used for the operation and maintenance of the campus.
 - H) Physical education instructional facilities.
 - I) Science laboratories and related science facilities.
 - J) Student areas appropriate to the needs of a computer institution, including food services, lounge areas, study areas, storage lockers, child care facilities, and facilities for student activities such as newspaper editing and student government.
- 2) Land.
- 3) Movable Equipment.
- 4) Utilities (those beyond a five foot perimeter of buildings).
- 5) Remodeling or Rehabilitation of Existing Facilities. Such projects include provision for:
 - A) Access for handicapped students.
 - B) Emergency repairs (including construction defects/deficiencies).
 - C) Energy conservation.
 - D) Programmatic changes.
- 6) Site Improvements.
 - A) Clearance.
 - B) Drainage.
 - C) Earth movement.
 - D) Finish grading, seeding, landscaping.
 - E) Other work required to make land usable as a building site.
 - F) Parking.
 - G) Streets and walkways.
- 7) Planning. A building project may be divided into sub-projects with planning funds (architect or engineering fees) requested for one fiscal year and construction funds requested in a subsequent year.
 - a) Application Criteria for New Construction Projects at the Primary Site. In order for capital projects for new construction to be considered for state funding, the following requirements shall be met:
 - 1) The information required under Section 1501.510(a) shall have been submitted.
 - 2) Certification of local board approval of the project(s) requested shall be provided.
 - 3) Certification shall be provided that funds or credits are

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- available to provide the local share of the cost of the project(s) in accordance with Articles IIAA and V of the Act.
- 4) Certification shall be provided that a suitable construction site is available. Suitability is determined through a site feasibility study and a Capital Development Board technical evaluation. The feasibility study shall address, at a minimum, the following:
 - A) The location of the site in relation to geography and population of the entire district and in relation to sites of the district's other colleges.
 - B) The impact on the surrounding environment, including the effect of increased traffic flow.
 - C) Accessibility to the site by existing and planned highways and/or streets.
 - D) Cost of development of the site in relation to topography, soil condition, and utilities.
 - E) Size of the proposed site in relation to projected student population (as determined by census data) and land cost.
 - F) The number, location, and characteristics (type of terrain, geography, roadway access, and suitability of the site for building purposes) of alternative sites considered.
 - G) The location of the site in relation to existing institutions of higher education.
- 5) Requests for site acquisition shall include a local board of trustees authorization to purchase the site, a copy of the feasibility study, a local Board of Trustees resolution that local funds are available, a copy of the Capital Development Board evaluation, three appraisals of the property, and a written request for ICCB approval in addition to the information requested in the Resource Allocation and Management Plan/Community Colleges (RAMP/CC).
- 6) Evidence of need for the space requested shall be provided either on a general enrollment basis as specified in subsection ~~1501.510(a)(4)(C)~~ (e)(4)(C) of this Section or a specific program need basis as specified in subsection ~~Section--1501.510(a)(4)(D)~~ (e)(4)(D) of this Section.
 - 1) An application on forms prescribed by the ICCB.
 - 2) Certification of local board approval of the project(s) requested.
 - 3) Certification that funds or credits are available to provide the local share of the project(s) in accordance with Articles IIA and V of the Act.
 - 4) A summary detailing the effects of the remodeling on space usage
- 7) The project shall be within the mission of a community college as set forth in Section 1-2(e) of the Act.
 - tc) Application Criteria for Remodeling and Rehabilitation Projects. Projects to remodel and rehabilitate a facility shall require submittal of the following:
 - 1) An application on forms prescribed by the ICCB.
 - 2) Certification of local board approval of the project(s) requested.
 - 3) Certification that funds or credits are available to provide the local share of the project(s) in accordance with Articles IIA and V of the Act.
 - 4) A summary detailing the effects of the remodeling on space usage

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- (Classrooms, laboratories, offices...).
- 5) A justification statement regarding the need to remodel.
- d) Application Criteria for Secondary Site Projects. Projects for the acquisition/construction of a new site and/or structure for purposes other than a primary site facility and projects for acquisition of sites and/or structures adjacent to the primary site shall require submittal of the following:
- 1) A resolution of the local board of trustees stating that:
 - A) Local funds or credits are available to provide the local share of the project(s) in accordance with Articles IIA and V of the Act.
 - B) The programs offered have been approved by the ICOB and Illinois Board of Higher Education (IBHE) or approval of these stated programs by those boards is pending.
 - 2) Copies of at least two appraisals of the property.
 - 3) Verification that the condition of the facility is not a threat to public safety. This shall include tests of structural integrity, asbestos, toxic materials, underground storage tanks, and other hazardous conditions. (Findings regarding the existence of these hazards shall not preclude the procurement of the site/structure but the knowledge of the hazardous condition and any costs incurred in correcting the condition shall be incorporated into the total cost of procuring the facility.)
 - 4) Identification of the location of the site and its relationship to the main campus, community college facilities in contiguous districts, and other higher education facilities in contiguous districts.
 - 5) Identification of all estimated costs associated with the purchase and any subsequent construction and/or rehabilitation of the site/structure.
- e) Project Priority Criteria. All projects must meet requirements as stated in 110 ICS 805/5-3 and 5-4. Capital project priorities will be established within the categories named in subsection (a) of this Section according to the following criteria:
- 1) New Facilities: The acquisition of buildings/additions/structures through construction of new facilities or purchase of existing facilities. Includes planning, qualifying fixed and movable equipment as necessary to support the new facility, land acquisition required for the facility, and any site improvements or utility work necessary to support the facility. All requests for new facilities must meet the criteria specified in either subsection (b) of this Section for new construction at a primary site or subsection (d) of this Section for secondary site projects.
- Each of the following criteria will be considered in establishing priorities for new facilities:
- A) Type of space to be constructed (in priority order):
 - 1) Instructional, study, office and student areas (all

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- weighted equally):
- = Instructional space, including basic classrooms, lecture halls, seminar rooms and other rooms used primarily for scheduled instruction, both credit and noncredit. These rooms may contain multimedia or telecommunications equipment. Space utilized as classroom service, i.e., projection rooms, telecommunication control booths, closets, etc., are included (FICM Codes 110-115). Instructional space also includes laboratory facilities, both class and open, used for instructional purposes and service areas that serve as an extension of the activities of the laboratory (FICM Codes 210-255).
 - = Study areas, including all library facilities, any rooms or areas used by individuals at their convenience, general learning labs, and any service areas necessary to support the activities of these rooms (FICM Codes 410-455).
 - = Office facilities that provide work areas to support the academic, administrative, and service functions of the colleges. Also includes rooms such as student counseling rooms and testing areas, staff conference rooms, file rooms, and break rooms (FICM Codes 310-355).
 - = Student service areas include general use facilities such as child care facilities (FICM Codes 640 and 645), food service facilities (FICM Codes 630 and 635), lounge facilities (FICM Codes 650 and 655), merchandise areas such as bookstores, student supply stores, or ticket outlet services (FICM Codes 660 and 665), and rooms utilized for recreation and amusement (FICM Codes 670 and 675). Meeting rooms used by the institution or the general public for a variety of nonclass meetings also are included (FICM Codes 680 and 685).
 - = Support areas, including central administrative computer and telecommunications rooms, maintenance shops, garages, warehouses, and storage facilities (FICM Codes 710-765).
 - = Assembly areas, including theaters, auditoriums, arenas, exhibition rooms, and concert halls, used primarily for general presentations or performances. Includes areas that serve as an extension of the activities in that facility. (FICM Codes 610-625)
 - = Physical education areas used for physical education instructional programs and intercollegiate and

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recreational activities. Includes areas such as gymnasias, athletic courts, swimming pools, and other special use athletic facilities. (FICM Codes 520, 523, and 525) (Does not include specific classrooms more appropriately classified under FICM Code series 100.)

- v) Special use facilities not included elsewhere, such as army, army services, media production services, clinics, etc. (FICM Codes 510, 515, and 530-590).

- B) Core Campus Considerations. Priorities will be assigned to colleges that do not have adequate core campus components in place. A core campus generally consists of classrooms, laboratories, student services, day care, learning resources/library, business and industry training services and facilities to support high enrollment programmatic areas.

C) Space Criteria/Considerations.

- i) Utilization of Existing Space. Priorities will be assigned so that the higher utilization rate generated by weekly instructional hours for credit and noncredit courses offered at permanent locations owned by the college (college holds title, lease purchase, or purchasing contract for deed), the higher the priority that will be assigned. Instructional hours are defined as those enrollments generated by students taking credit and noncredit courses.

- ii) Space per Student. Requests for space will be assigned priorities so that the less existing permanent space per student available at facilities owned by the college (college holds title, lease purchase, or contract for deed), the higher the priority assigned to the project.

- D) Program Considerations. Considerations will be given to the need for special facilities based on the programs to be housed in the requested facilities. Priorities will be assigned so that the greater the need for special facilities, the higher the priority. Criteria evaluated for need will include (not in priority order), but not be limited to:

- i) Documented need as evidenced by the college's accountability and productivity reviews.
- ii) Labor market demand for completers of the program (as indicated by current manpower data).
- iii) Unavailability of special facilities needed for the program.
- iv) Other special needs or measures as described in the program justification statement submitted by the college with the project request.

2) Remodeling or Rehabilitation of Existing Facilities. Remodeling

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or rehabilitation projects will be evaluated on structural consideration and/or programmatic considerations, and core campus considerations, if applicable to project. Requests for remodeling or rehabilitation projects must meet the criteria specified in subsection (c) of this Section. The following criteria will establish the order of remodeling/rehabilitation projects:

- A) Structural Considerations (in priority order).
 - i) Those projects that will reduce physical health and safety hazards to the student body and staff (e.g., structural defects/deficiencies, handicapped modifications).
 - ii) Overall condition of space and/or other structural integrity considerations.
 - iii) Those projects that will result in financial and/or natural resource savings (e.g., energy conservation).
 - iv) Those projects that will result in the development of more efficient utilization of existing space.
- B) Program Considerations. Consideration will be given to the need for remodeling or rehabilitation of facilities based on the programs to be housed in the facilities. Priorities will be assigned so that the greater the need for remodeling or rehabilitation, the higher the priority. Criteria evaluated for need will include (not in priority order), but not be limited to:
 - i) Documented need as evidenced by the college's accountability and productivity reviews.
 - ii) Labor market demand for completers of the program (as indicated by current manpower data).
 - iii) Unavailability of special facilities needed for the program.
 - iv) Other special needs or measures as described in the program justification statement submitted by the college with the project request.
- C) Core Campus Considerations. Priorities will be assigned to colleges that demonstrate the need for remodeling or rehabilitation of existing core campus components due to either structural integrity issues or increased demand for services. A core campus generally consists of classrooms, laboratories, student services, day care, learning resources/library, business and industry training services and facilities to support high enrollment programmatic areas.

- 3) Land. Request for State funds for land purchases not related to new facilities acquisition will be evaluated based on the need to support existing campus facilities and services. Requests must meet applicable criteria specified in subsection (b) of this Section for land purchases at the primary site or subsection (d)

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- of this Section for secondary site projects.
- 4) Utilities. Utilities projects (beyond a five foot perimeter of buildings) not related to new facility acquisition will be evaluated based on the need to support existing campus facilities and services.
 - 5) Site Improvements. Site improvements not related to new facilities acquisition will be evaluated in conjunction with the facilities to which they relate and other demonstrated need.
 - 6) Additional consideration may be given to the priority ranking of a project if it had previous ICB approval for planning or construction.
 - e) Project--Priority--Criteria---Capital--project--priorities--will--be established--withn--the--categories--named--in--Section--1501-603(a) according--to--the--following--criteria:
 - i) Land---Requests--for--state--funding--for--land--will--be--assigned--a priority--based--on--the--extent--to--which--the--state--has--participated financially--in--acquiring--the--following--acreage:
 - A) Up--to--17500--full--time--equivalent--on--campus--day--students--in the--fall--term--allows--eligibility--for--100--acres;
 - B) Between--17500--and--37000--full--time--equivalent--on--campus--day students--in--the--fall--term--allows--eligibility--for--150--acres;
 - C) More--than--37000--full--time--equivalent--on--campus--day--students in--the--fall--term--allows--eligibility--for--250--acres;
 - ii) the--lower--the--amount--of--state--financial--participation--already provided--the--higher--the--priority--of--the--project;
 - 2) Site--Improvements---Requests--for--state--funding--for--parking--areas will--be--assigned--a--priority--based--on--the--extent--to--which--the state--has--previously--participated--financially--in--spaces--for--80 percent--of--full--time--equivalent--faculty--and--staff--end--spaces--for the--following--percentages--of--students:
 - A) When--public--transportation--serves--the--college--at--least--every two--(2)--hours--during--the--day--twenty--(20)--percent--of--the full--term--day--or--evening--headcount--enrollment;
 - B) When--public--transportation--serves--the--college--less frequently--fifty--(50)--percent--of--the--full--term--day--or evening--headcount--enrollment;
 - C) When--no--public--transportation--is--available--sixty--five--(65) percent--of--the--full--term--day--or--evening--headcount enrollment;
 - 3) the--lower--the--amount--of--state--financial--participation--already provided--the--higher--the--priority--of--the--project;
 - 3) Other---Site--Improvements---will--be--assigned--a--priority--in conjunction--with--the--facilities--to--which--they--relate.
 - 4) Building--additions--and--planning--funds---Each--of--the--following fixed--equipment--and--planning--funds---Each--of--the--following criteria--will--be--considered--in--establishing--priorities--of buildings--additions--and/or--structures:
 - A) Types--of--space--to--be--constructed--(in--priority--order):

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- ii) Instructional---space---including---basic--classrooms, laboratories--and--shops--and--preparation--and--storage areas.
- iii) Learning---resource---centers---including---libraries, audiovisual--centers--and--learning--laboratories.
- iii) Administrative--and--counseling--offices.
- iv) Student--center---including--food--service--area--lounge area--study--area--storage--lockers--child--care facilities--and--facilities--for--student--activities--such as--newspaper--editing--student--government--and--other student--organizations.
- v) Physical--education--facilities--designed--primarily--for instructional--use.
- vi) Fine--arts--center--including--rehearsal--practice--and studio--facilities.
- viii) Support--facilities---including--maintenance---shops, garages--warehouses--and--storage--facilities.
- viii) Theater--and/or--auditorium--facilities.
- ix) Physical--education--facilities--designed--primarily--for spectator--or--recreational--use.
- B) Utilization--of--Existing--Space---Priorities--will--be--assigned so--that--the--higher--the--weekly--on--campus--classroom--and--class laboratory--hours--of--utilization--for--credit--and--non-credit courses--offered--by--the--college--the--higher--the--priority assigned--to--a--requested--project.
- C) Requests--for--space--will--be--assigned--priorities--so--that--the less--existing--permanent--space--per--student--a--facility--has the--higher--the--priority--of--the--project---For--facilities other--than--occupational--program--instructional--shops--the following--amounts--of--space--are--considered--to--be sufficient--for--the--first--17500--on--campus--full--time equivalent--day--student--110--gross--square--feet--(GSP)--per on--campus--full--time--equivalent--day--student--for--the--next 17500--on--campus--full--time--equivalent--day--student--100--GSP per--on--campus--full--time--equivalent--day--student--for--each per--on--campus--full--time--equivalent--day--student--90 GSP--per--on--campus--full--time--equivalent--day--student--For occupational--program--instructional--shops--140--GSP--per on--campus--full--time--equivalent--day--student--enrollment--in courses--using--such--shops--will--be--considered--sufficient space.
- B) Program--Considerations---Consideration--will--be--given--to--the need--for--special--facilities--based--on--the--programs--to--be housed--in--the--requested--facilities---Priorities--will--be assigned--so--that--the--greater--the--need--for--special--facilities the--higher--the--priority--Criteria--for--need--will--be:
 - i) Labor--market--demand--for--graduates--of--the--programs--(as indicated--by--current--manpower--data);

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- 1) Unavailability-of-special-facilities-needed-for-the program:
 justification-statement-submitted-by-the-college-with the-project-request:
 5) Remodeling-or-rehabilitation-of-existing-facilities--The following-criteria-will-establish-the-order-of remodeling/rehabilitation-projects-in-priority-order:
 A) Those-projects-which-will-reduce-physical-health-and-safety hazards-to-the-general-student-body-and-staff-(e.g.: structural-defects/deficiencies);
 B) Those-projects-which-will-reduce-physical-health-and-safety hazards-to-a-limited-number-of-students-and/or-staff-(e.g.: handicapped-modifications);
 C) Those-projects-which-will-result-in-financial-and/or-natural resource-savings-(e.g.: energy-conservation);
 D) Those-projects-which-will-result-in-the-development-of-more efficient-utilization-of-existing-space;
 E) Moveable-Equipment--Equipment-priorities-will-be-the-same-as those-of-the-projects-to-which-the-equipment-relates;
 F) Utilities--Utilities-will-be-assigned-priorities-which-are-the same-as-those-of-the-projects-to-which-they-relate;
 G) Additional-consideration-may-be-given-to-the-priority-ranking-of a-project-if-it-had-previous-FCB-approval-for-planning-or construction:

f) Construction Standards. The following standards shall be applied in the design and construction of facilities:

- 1) Building Efficiency. Campus-wide building efficiency should be at least 70 percent. However, individual buildings may be below this level if they are high-rise (four or more floors), include a large number of small classrooms and/or labs, or if a large portion of the building is designed for custodial or mechanical purposes to serve the entire campus.
- 2) Facilities Codes. All construction, remodeling, and rehabilitation of facilities shall be in compliance with the following standards:
 - A) Uniform Building Code (International Conference of Building Officials, Whittier, California, 1988) or BOCA Basic/National Building Code, 1967 Edition (Building Officials and Code Administrators International, Inc., Country Club Hills, Illinois).
 - B) BOCA Basic/National Mechanical Code, 1987 Edition (Building Officials and Code Administrators International, Inc., Country Club Hills, Illinois).
 - C) National Electrical Code (National Fire Protection Association, Quincy, Massachusetts, 1988).
 - D) Illinois Plumbing Code (77 Ill. Adm. Code 890).
 - E) Illinois Accessibility Code (71 Ill. Adm. Code 400).

ILLINOIS COMMUNITY COLLEGE BOARD

NOTICE OF ADOPTED AMENDMENTS

- F) Fire Prevention and Safety (41 Ill. Adm. Code 100).
 G) National Fire Protection Association 101 Life Safety Code (National Fire Protection Association, Quincy, Massachusetts, 1988).
 H) ASHRAE 90-80 Energy Conservation in New Building Design (American Society of Heating, Refrigeration, Air Conditioning Engineers, Atlanta, Georgia, 1980).
 I) Any local building codes that may be more restrictive than the codes listed above.

(Source: Amended at 24 Ill. Reg. 24.9, effective

11/2/1994)

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED REPEALER

1) Heading of the Part: Access to Information of the Illinois Environmental Protection Agency

2) Code Citation: 2 Ill. Adm. Code 1826

3) Section Numbers: Adopted Action:
 1826.101 Repealed
 1826.102 Repealed
 1826.201 Repealed
 1826.203 Repealed
 1826.301 Repealed
 1826.302 Repealed
 1826.303 Repealed
 1826.304 Repealed
 1826.305 Repealed
 1826.401 Repealed
 1826.402 Repealed
 1826.403 Repealed
 1826.404 Repealed
 1826.405 Repealed
 1826.406 Repealed
 1826.501 Repealed
 1826.502 Repealed
 1826.503 Repealed
 APPENDIX A Repealed
 APPENDIX B REPEALED

4) Statutory Authority: Section 7 of the Environmental Protection Act (415 ILCS 5/7) and Section 3(g) of the Freedom of Information Act, [5 ILCS 140/3(g)]

5) Effective Date of Repealer: December 31, 1999

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rule contain incorporations by reference? No

8) A copy of the adopted repealer, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: Not applicable pursuant to Section 15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15] and Section 100.810 of the Secretary of State's regulations addressing rulemaking [1 Ill. Adm. Code 100.810]

10) Has JCAR issued a Statement of Objections to this rule? JCAR review not required.

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED REPEALER

- 11) Differences between proposal and final version: No proposal (not applicable pursuant to Section 15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15] and Section 100.810 of the Secretary of State's regulations addressing rulemaking [1 Ill. Adm. Code 100.810])
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No changes required
- 13) Will this rule replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rule: This Part set forth procedures and policy of the Illinois Environmental Protection Agency, pursuant to the Illinois Freedom of Information Act, for making Agency public records available for public inspection. Part 1826, effective September 20, 1999, replaces Parts 1826 and 1827 [2 Ill. Adm. Code 1826, 1827], the already-promulgated Agency rules implementing the Freedom of Information Act. However, compliance with the procedures set forth in Part 1828 is required only on and after January 1, 2000, to allow all parties time to implement the Part (See Section 1828.101(d)). For this reason, Parts 1826 and 1827 have remained on the books for this period. The Agency is hereby repealing Part 1826 (and, under separate notice, Part 1827) effective December 31, 1999.

16) Information and questions regarding this repealed rule shall be directed to:

Judith S. Dyer
 Assistant Counsel
 Illinois Environmental Protection Agency
 1021 North Grand Avenue East
 P.O. Box 19276
 Springfield, IL 62794-9276
 217/782-5544

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED REPEALER

1) Heading of the Part: Procedures for Determining and Protecting Confidential Information

2) Code Citation: 2 Ill. Adm. Code 1827

3) Section Numbers: Adopted Action:

1827.101 Repealed
1827.102 Repealed
1827.201 Repealed
1827.203 Repealed
1827.204 Repealed
1827.205 Repealed
1827.301 Repealed
1827.302 Repealed
1827.303 Repealed
1827.304 Repealed
1827.401 Repealed
1827.402 Repealed
1827.403 Repealed
1827.501 Repealed
1827.502 Repealed
1827.503 Repealed
1827.504 Repealed
1827.601 Repealed
1827.602 Repealed
1827.603 Repealed
1827.604 Repealed
APPENDIX A Repealed

4) Statutory Authority: Section 7 of the Environmental Protection Act (415 ILCS 5/7) and Section 3(g) of the Freedom of Information Act [5 ILCS 140/3(g)]

5) Effective Date of Repealer: December 31, 1999

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rule contain incorporations by reference? No

8) A copy of the adopted repealer, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: Not applicable pursuant to Section 15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15] and Section 100.810 of the Secretary of State's regulations addressing rulemaking [1 Ill. Adm. Code 100.810]

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED REPEALER

10) Has JCAR issued a Statement of Objections to this rule? JCAR review not required.

11) Difference(s) between proposal and final version: No proposal (not applicable pursuant to Section 15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15] and Section 100.810 of the Secretary of State's regulations addressing rulemaking [1 Ill. Adm. Code 100.810])

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No changes required

13) Will this rule replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rule: This Part set forth procedures and policy of the Illinois Environmental Protection Agency, pursuant to the Illinois Freedom of Information Act, for protecting legitimate interests in confidentiality. Part 1828 effective September 20, 1999, replaces Parts 1826 and 1827 [2 Ill. Adm. Code 1826, 1827], the already-promulgated Agency rules implementing the Freedom of Information Act. However, compliance with the procedures set forth in Part 1828 is required only on and after January 1, 2000, to allow all parties time to implement the Part (See Section 1828.101(d)). For this reason, Parts 1826 and 1827 have remained on the books for this period. The Agency is hereby repealing Part 1827 (and, under separate notice, Part 1826) effective December 31, 1999.

16) Information and questions regarding this repealed rule shall be directed to:

Judith S. Dyer
Assistant Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276
217/782-5544

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF ADOPTED RULES

- 1) Heading of the Part: Compliance Certification For Underground Storage Tanks
- 2) Code Citation: 41 Ill. Adm. Code 171
- 3) Section Numbers:
- | | | |
|---------|-------------|------------------------|
| 171.10 | New Section | <u>Adopted Action:</u> |
| 171.50 | New Section | |
| 171.70 | New Section | |
| 171.90 | New Section | |
| 171.100 | New Section | |
| 171.110 | New Section | |
| 171.120 | New Section | |
| 171.150 | New Section | |
| 171.160 | New Section | |
| 171.180 | New Section | |
| 171.200 | New Section | |

- 4) Statutory Authority: Implementing the Gasoline Storage Act (430 ILCS 15) and authorized by Section 3.5 of the Gasoline Storage Act (430 ILCS 15/3.5)

- 5) Effective Date of Amendments: December 22, 1999

- 6) Does this rulemaking contain an automatic repeal date? No

- 7) Does this amendment contain incorporations by reference? No

- 8) A copy of the adopted rule, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

- 9) Notice of Proposal published in the Illinois Register? 22 Ill. Reg. 22158, December 28, 1998

- 10) Has JCAR issued a statement of Objection to these rules? No

- 11) Differences between proposal and final version? The date for heating oil underground storage tanks to have evidence of compliance had been changed to August 1, 2001, and depositors may fill a new or newly refined tank one time without evidence of compliance to provide ballast.

- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

- 13) Will this Amendment replace an Emergency Amendment currently in effect? No

- 14) Are there any other amendments pending on this Part? No

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF ADOPTED RULES

- 15) Summary and purpose of Amendment: To provide depositors of fuel with evidence of tank compliance status.
- 16) Information and questions regarding this adopted amendment shall be directed to:

Mr. Mel Smith
Office of the State Fire Marshal
1035 Stevenson Dr.
Springfield, IL 62703-4259
(217) 785-1020

The full text of the Adopted Amendment begins on the next page:

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF ADOPTED RULES

TITLE 41: FIRE PROTECTION
CHAPTER 1: OFFICE OF THE STATE FIRE MARSHAL

PART 171

Compliance Certification for Underground Storage Tanks

| Section | Definitions |
|---------|--|
| 171.10 | Deposit Prohibited |
| 171.50 | Inspection of Motor Fuel Dispensing Facilities |
| 171.70 | Evidence of Compliance Status for Motor Fuel Dispensing Facilities |
| 171.90 | Inspection of Non-Motor Fuel Dispensing Facilities and Hazardous Substance UST Systems |
| 171.110 | Evidence of Compliance Status for Non-Motor Fuel Dispensing Facilities and Hazardous Substance UST Systems |
| 171.120 | Assumption of Compliance for Non-Motor Fuel Dispensing Facilities and Hazardous Substance UST Systems |
| 171.150 | Certificate of Exemption |
| 171.160 | Missing, Damaged or Destroyed Evidence of Compliance Status |
| 171.180 | Expiration of Certificates |
| 171.200 | Appeals |

AUTHORITY: Implementing the Gasoline Storage Act [430 ILCS 15] and authorized by Section 3.5 of the Gasoline Storage Act [430 ILCS 15/3.5].

SOURCE: Adopted by emergency rulemaking at 22 Ill. Reg. 22411, effective December 14, 1998, for a maximum of 150 days; adopted at 24 Ill. Reg. 12.7.3, effective JUL 22 1999.

Section 171.10 Definitions

"Deposit" means the act of placing in or filling of a UST system or directing the act of placing in or filling of a UST system with a regulated substance.

"Evidence of Compliance Status" means that a tag or decal issued by the OSFM is made visible to persons making delivery of petroleum, petroleum product, hazardous substances or regulated substances.

"Hazardous Substance" means any substance defined in Section 101(14) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) of 1980 (42 USC 9601 et seq.), but not including any substance regulated as a hazardous waste under Subtitle C of the Resource Conservation and Recovery Act (RCRA) of 1976 (42 USC 6901 et seq.).

"Heating Oil" means petroleum that is No. 1, No. 2, No. 4-light, No.

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NOTICE OF ADOPTED RULES

4-heavy, No. 5-heavy or No. 6 technical grades of fuel oil; other residual fuel oils (including Navy Special Fuel Oil and Bunker C); and other fuels when used as substitutes for one of these fuel oils. Heating oil is typically used in the operation of heating equipment, boilers or furnaces.

"Motor Fuel" means petroleum or a petroleum-based substance that is motor gasoline, aviation gasoline, No. 1 or No. 2 diesel fuel or any grade of gasohol and is typically used in the operation of a motor engine.

"Motor Fuel Dispensing Facility" means a location where motor fuel is dispensed from a UST system.

"Non-Motor Fuel Dispensing Facility" means a location where petroleum or petroleum-based product other than motor fuel is dispensed from a UST system.

"OSFM" means Office of the Illinois State Fire Marshal.

"Person" means a natural person, corporation, unit of local government, partnership, firm or other entity. Person as used in this Part means the natural person who physically deposits regulated substances into a UST system and the unit of local government, partnership, firm or other entity that directs the person who makes such a deposit.

"Petroleum" (including crude oil or any fraction of crude oil that is liquid at standard conditions of temperature and pressure (60° F and 14.7 pounds per square inch absolute)) includes, but is not limited to, petroleum-based substances comprised of a complex blend of hydrocarbons derived from crude oil through processes of separation, conversion, upgrading or finishing, such as motor fuels, jet fuels, distillate fuel oils, residual fuel oils, lubricants, petroleum solvents or used oils.

"Regulated Substances" means petroleum or hazardous substances as defined in this Section.

"Underground Storage Tank", "UST", or "UST System" has the same meaning as in 41 Ill. Adm. Code 170.400.

All other terms shall have the meaning ascribed to them or as defined in 41 Ill. Adm. Code 170.400.

Section 171.50 Deposit Prohibited

Beginning December 22, 1998, no person shall deposit petroleum, petroleum

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF ADOPTED RULES

product, hazardous substances or regulated substances into any UST system unless evidence is displayed that such UST system is in compliance with the applicable rules of 35 Ill. Adm. Code 270, except as provided in this Part. The OSMW may give priority to inspection of dispensing facilities demonstrating compliance with the applicable rules. Facilities upgrading prior to December 22, 1998, may be inspected under this Section as part of the inspection at the time of upgrading.

Section 171.70 Inspection of Motor Fuel Dispensing Facilities

Section 171.70 Inspection of Motor Fuel Dispensing Facilities

- a) The OSMW shall inspect motor fuel dispensing facilities for compliance with this Part and issue Evidence of Compliance Status.
- b) The OSMW may give priority to inspection of dispensing facilities where the owner or operator has provided to the OSMW information demonstrating compliance with the applicable rules. Facilities upgrading prior to December 22, 1998, may be inspected under this Section as part of the inspection at the time of upgrading.

Section 171.90 Evidence of Compliance Status for Motor Fuel Dispensing Facilities

- a) Evidence of Compliance Status for motor fuel dispensing facilities shall consist of a tag or decal issued by the OSMW. The tag or decal shall be either:
 - 1) Red: indicating non-compliance; or
 - 2) Green: indicating compliance; or
 - 3) Yellow: indicating exempt (see Section 171.150).
- b) Evidence of Compliance Status shall either be affixed to the window closest to the main entry of the motor fuel dispensing facility or, if such a window is not available, shall be affixed to the inside window of the dispenser cabinet.
- c) If more than one UST system is located at the facility, and some but not all UST systems are in compliance, the OSMW will issue a Green decal or tag, which shall be affixed as provided in subsection (b) above, and will issue individual red decals or tags for each of the non-compliant UST systems, which shall be affixed directly onto the fill pipe of the non-compliant UST system or near the fill pipe of the non-compliant UST system at a location approved by the OSMW.
- d) Evidence of Compliance Status may also be a notice or letter issued by the OSMW indicating the facility status; such letter or notice shall be valid for 30 days from the date of the notice or letter.

Section 171.100 Inspection of Non-Motor Fuel Dispensing Facilities and Hazardous Substance UST Systems

- a) The OSMW shall inspect non-motor fuel dispensing facilities and hazardous substance UST systems for compliance with this Part and

OFFICE OF THE STATE FIRE MARSHAL

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issue Evidence of Compliance Status.

- b) The OSMW may give priority to inspection of dispensing facilities where the owner or operator has provided to the Office information demonstrating compliance with the applicable rules. Facilities upgrading prior to December 22, 1998, may be inspected under this Section as part of the inspection at the time of upgrading.

Section 171.110 Evidence of Compliance Status for Non-Motor Fuel Dispensing Facilities and Hazardous Substance UST Systems

- a) Evidence of Compliance Status for non-motor fuel dispensing facilities and hazardous substance UST systems shall consist of a tag or decal issued by the OSMW. The tag or decal issued shall be either:
 - 1) Red: indicating non-compliance; or
 - 2) Green: indicating compliance; or
 - 3) Yellow: indicating exempt (see Section 171.150).
- b) Evidence of Compliance Status shall either be affixed to the fill pipe of the UST system nearest the fill pipe at a location agreed to by the representative of the OSMW.
- c) If the tag or decal affixed to the fill pipe is Red, the owner or operator of the UST system shall secure the fill pipe to avoid the product being accidentally deposited in the UST system.
- d) Evidence of Compliance Status may also be a notice or letter issued by the OSMW indicating the facility status; such letter or notice shall be valid for 30 days from the date of the notice or letter.

Section 171.120 Assumption of Compliance for Non-Motor Fuel Dispensing Facilities and Hazardous Substance UST Systems

- a) Depositors of hazardous substances and petroleum and petroleum products, other than motor fuel, shall first ascertain if evidence of non-compliance, a Red decal or tag, is affixed to the UST system. If no Red decal or tag is present, the person may deposit into the UST system. After March 31, 1999, the person may not deposit into any UST system that does not display evidence of compliance status.
- b) Depositors of Heating Oil shall first ascertain if evidence of non-compliance, a Red decal or tag, is affixed to the UST system. If no Red decal or tag is present, the person may deposit into the UST system. After August 1, 2001, the person may not deposit into any UST system that does not display Evidence of Compliance Status.

Section 171.150 Certificate of Exemption

- a) Owners and operators of underground and above ground tanks not defined as UST systems may request a Certificate of Exemption from the requirements of this Part. The Certificate of Exemption may serve to avoid any confusion as to whether Evidence of Compliance Status is required for the UST system and, therefore, avoid unintended denial of

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- a. delivery of petroleum, petroleum product, regulated substances or hazardous substances.
- b. The owner or operator must make a written request for a Certificate of Exemption to the Office. A representative of the OSPM may inspect the tank or tank system.

Section 171.160 Missing, Damaged or Destroyed Evidence of Compliance Status

- a. The owner or operator of a motor fuel dispensing facility, non-motor fuel dispensing facility or hazardous substance UST system may use an inspection form issued by the OSPM to establish Evidence of Compliance Status where the tag or decal is missing, damaged or destroyed.
- b. If the person depositing the petroleum, petroleum product, hazardous substance or regulated substance has knowledge that the facility or UST system has been issued a Green decal or tag, and the decal or tag is missing, damaged or destroyed, the person so delivering the substance should attempt to make reasonable inquiry to the owner or operator of the compliance status of the UST system. After making inquiry and receiving no information as to the non-compliance of the UST system, the person may deposit the substance but must notify the OSPM, in writing, of the delivery on the next business day and make inquiry into the status of the UST system receiving the delivery. Knowledge may be relied on under this subsection (b) by demonstrating that the depositor has observed a prior Green decal or tag and has no knowledge of the revocation of such decal or tag.
 - 1) A Green decal or tag was displayed at the time of a recent, prior delivery and a Red decal or tag was not affixed to the UST system receiving the current delivery; or
 - 2) Other personal knowledge as sufficient to satisfy this subsection (b), including possession of a copy of an inspection form issued by the OSPM.
- c. Owners or operators of a motor fuel dispensing facility, non-motor fuel dispensing facility or hazardous substance UST system shall report all missing, damaged or destroyed tags and decals on the next business day, in writing, following the discovery and shall return to the OSPM the damaged tag or decal. The OSPM will replace missing or damaged tags and decals as soon as practicable.

Section 171.180 Expiration of Certificates

Certificates of compliance status without expiration dates shall expire on January 1, 2002 or on the next inspection interval. After January 1, 1999, certificates of compliance will be issued with expiration dates to expire on January 1 of the year shown on the Evidence of Compliance Status. Prior Evidence of Compliance Status shall be removed. After January 1, 1999, Evidence of Compliance Status shall be issued for three year intervals. After January 1, 1999, facilities not in compliance with the rules of the OSPM shall be issued Red tags for UST systems not in compliance and the previously issued

OFFICE OF THE STATE FIRE MARSHAL

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Evidence of Compliance Status shall expire. The previously issued Evidence of Compliance Status shall remain in effect until any appeal or appeal period is concluded, after which the UST system shall have the appropriate Evidence of Compliance Status affixed and prior Evidence of Compliance Status removed.

Section 171.200 Appeals

Evidence of Compliance Status issued or not issued pursuant to this Part may be appealed, within 30 days after the date of receipt or denial, in accordance with 41 Ill. Adm. Code 170, Subpart D, Underground Storage Tanks--Administrative Procedure Rules for Orders Issued by the Division of Petroleum and Chemical Safety.

DEPARTMENT OF HUMAN SERVICES
NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Determination of Need (DON) and resulting Service Cost Maximums (SCMs)
- 2) Code Citation: 89 Ill. Adm. Code 679
- 3) Section Number: Adopted Action:
679.50 Amended
- 4) Statutory Authority: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3].
- 5) Effective Date of Rulemaking: December 22, 1999
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: August 27, 1999, 23 Ill. Reg. 9987.

- 10) Has JCAR Issued a Statement of Objections to this Rulemaking? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this amendment replace an Emergency Rules currently in effect? Yes
- 14) Are there any amendments pending on this Part: Yes
- 15) Summary and Purpose of Amendments: This rulemaking amends this Section to increase the Service Cost Maximums for the Home Services Program. This amendment brings the rule in line with the rate increase included in the Fiscal Year 2000 budget as signed by the Governor. The Service Cost Maximum is the maximum amount that can be spent on services through the Home Services Program for an individual with a corresponding DON score.

- 16) Information and questions regarding this adopted rule shall be directed to:

Ms. Susan Weir, Bureau Chief
Bureau of Administrative Rules and
Procedures

DEPARTMENT OF HUMAN SERVICES
NOTICE OF ADOPTED AMENDMENTS

Department of Human Services
100 South Grand Avenue East
2nd Floor, Suite B109 62762
Springfield, Illinois
Telephone number: (217) 785-9772

The full text of the adopted amendments begins on the next page:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES

CHAPTER IV: DEPARTMENT OF HUMAN SERVICES

SUBCHAPTER 4: HOME SERVICES PROGRAM

PART 679

DETERMINATION OF NEED (DON) AND RESULTING SERVICE COST MAXIMUMS (SCMs)

Section

679.10 General Provisions

679.20 Composition of the DON

679.30 Scoring the DON Except for Respite Cases

679.40 Scoring the DON for Respite Cases

679.50 Service Cost Maximums (SCMs)

AUTHORITY: Implementing Section 3 of the Disabled Persons Rehabilitation Act (20 ILCS 2405/3).

SOURCE: Adopted at 19 Ill. Reg. 5062, effective March 21, 1995; amended at 20 Ill. Reg. 6303, effective April 18, 1996; amended at 21 Ill. Reg. 2674, effective February 7, 1997; recodified from the Department of Rehabilitation Services to the Department of Human Services at 21 Ill. Reg. 9325; emergency amendment at 22 Ill. Reg. 2328, effective January 12, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 10445, effective May 29, 1998; emergency amendment at 22 Ill. Reg. 16031, effective August 14, 1998, for a maximum of 150 days; emergency expired on January 11, 1999; amended at 23 Ill. Reg. 1615, effective January 20, 1999; amended at 23 Ill. Reg. 7492, effective June 17, 1999; emergency amendment at 23 Ill. Reg. 10526, effective August 10, 1999, for a maximum of 150 days; amended at 24 Ill. Reg. 285, effective DEC 22 1999.

Section 679.50 Service Cost Maximums (SCMs)

- a) For each individual meeting the minimum required DON scores for eligibility (see 89 Ill. Adm. Code 682), there is a corresponding Service Cost Maximum (SCM) for his/her DON score which is the maximum amount that may be expended for services through HSP for an individual who chooses HSP services over institutionalization. This amount directly corresponds to the amount the State would expect to pay for the nursing care component of institutionalization if the individual chose institutionalization.

- b) The SCMs for individuals served under the HSP Medicaid Waiver are:

| Total DON Score | SCM |
|-----------------|---------------|
| 29 through 32 | \$ 955 869 |
| 33 through 40 | \$ 1,037 930 |
| 41 through 49 | \$ 1,220 1634 |
| 50 through 59 | \$ 1,461 1230 |

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50 through 69 \$ 1,717 1455

70 through 79 \$ 1,857 1254

80 through 100 \$ 1,996 1452

- c) The SCMs for individuals served under the AIDS Medicaid Waiver are:

| Total DON Score | SCM |
|-----------------|---------------|
| 29 through 32 | \$ 1,220 1442 |
| 33 through 40 | 1,843 1563 |
| 41 through 49 | 2,458 1683 |
| 50 through 59 | 3,073 1684 |
| 60 through 69 | 3,688 1725 |
| 70 through 79 | 4,303 1765 |
| 80 through 100 | 4,917 1767 |

- d) The SCM for individuals served through the Medicaid Waiver for Ventilator Assisted Individuals shall be no higher than the comparable institutionalized cost of care for the individual, less the costs for equipment and supplies.
- e) The SCM for an individual may be exceeded on a monthly basis to meet a temporary increase in need for services as long as the average monthly cost for services during the twelve month period does not exceed the SCM. Such an increase in services shall not last more than 3 months.
- f) The monthly SCMs for individuals served under the Medicaid Waiver for Persons with a Brain Injury are:

| Total DON Score | SCM |
|-----------------|--------------|
| 29 through 32 | \$ 1,064 902 |
| 33 through 40 | 1,181 1401 |
| 41 through 49 | 1,312 1412 |
| 50 through 59 | 1,572 1432 |
| 60 through 69 | 1,848 1566 |
| 70 through 79 | 1,998 1693 |
| 80 through 100 | 2,148 1680 |

- g) The SCMs for individuals served under the HSP Medicaid Waiver are:

285

effective

at 24

Ill.

Reg.

(Source: DEC 22 1999)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Temporary Assistance for Needy Families2) Code Citation: 89 Ill. Adm. Code 1123) Section Numbers:
112.82 Adopted Action:
Amendment4) Statutory Authority: Implementing Article IV and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. IV and 12-13].5) Effective Date of Amendments: December 28, 19996) Does this rulemaking contain an automatic repeal date? No7) Do these amendments contain incorporations by reference? No8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.9) Notice of Proposal Published in Illinois Register: August 27, 1999 (23 Ill. Reg. 9989)10) Has JCAR Issued a Statement of Objection to this amendment? No11) Differences between proposal and final version: The following changes were made in the text of the proposed amendments:

1. Section 112.82(a), was revised as follows:

"TANF participants who work or who are involved in approved activities are eligible to receive supportive service payments to enable them to work or participate in an approved activity to the extent State resources permit and must receive supportive services if required to participate. Work is defined as employment in a job or self-employment. An approved activity is defined as an activity that leads toward self-sufficiency and is included in the client's Responsibility and Services Plan. The Department is not required to provide supportive services unless the Department requires the individual to work or participate in an approved activity."

2. Section 112.82(d) was revised as follows:

"Participation in work or in approved activities shall not be required if supportive services are needed for effective participation but unavailable from the Department or some other reasonably available source. Individuals may be required to make a co-payment for Child Care."

DEPARTMENT OF HUMAN SERVICES

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3. Section 112.82(f)(1)(A) was revised as follows:

"If requested and required (for example, a participant who does not have an automobile) expenses for transportation shall be provided to enable participants to attend approved activities and appointments and begin or keep employment."

4. Section 112.82(f)(1)(B) was revised as follows:

"Transportation expenses are to be paid to permit participation in approved activities or to begin or keep employment, including travel necessary to locate appropriate child care."

5. In Section 112.82(f)(1)(F), "education and training activities: Work Experience, Work First, and approved" was struck.

6. In Section 112.82(f)(2)(A), "work and training-related TANF appointments" was replaced by "approved activities and related appointments".

7. Section 112.82(f)(2)(B) was struck.

8. In Section 112.82(f)(3)(B), "assigned TANF work-related activities" was replaced by "the community service, work experience or Work First".

9. In Section 112.82(f)(7)(C), "employment" was changed to "work" and "in a TANF case" was replaced by "if the spouse lives in the home".

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes13) Will this amendment replace an emergency amendment currently in effect? Yes14) Are there any amendments pending on this Part? Yes

| Section Numbers | Proposed Action | Illinois Register Citation |
|-----------------|-----------------|----------------------------|
| 112.110 | Amendment | 23 Ill. Reg. 12064 |

15) Summary and Purpose of Amendments: Many clients participating in Work and Training activities need the same supportive services that employed clients receive. These amendments update the limits of supportive services allowed for employment expenses and for Work and Training expenses. As a result of these amendments, supportive service allowances previously limited to employed clients may be issued to clients in approved Work and Training activity(ies).

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16) Information and questions regarding these adopted amendments shall be directed to:

Mrs. Susan Weir, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
3rd Floor, Harris Bldg.
Springfield, Illinois 62762
(217) 785-9772

The full text of adopted amendments begin on the next page:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER D: ASSISTANCE PROGRAMS

PART 112

TEMPORARY ASSISTANCE FOR NEEDY FAMILIES

SUBPART A: GENERAL PROVISIONS

Section

112.1 Description of the Assistance Program
112.2 Time Limit on Receipt of Benefits for Clients Enrolled in Post-Secondary Education
112.5 Incorporation by Reference

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section

112.8 Caretaker Relative
112.9 Client Cooperation
112.10 Citizenship
112.20 Residence
112.30 Age
112.40 Relationship
112.50 Living Arrangement
112.52 Social Security Numbers
112.54 Assignment of Medical Support Rights
112.60 Basis of Eligibility
112.61 Death of a Parent (Repealed)
112.62 Incapacity of a Parent (Repealed)
112.63 Continued Absence of a Parent (Repealed)
112.64 Unemployment of the Parent (Repealed)
112.65 Responsibility and Services Plan
112.66 Alcohol and Substance Abuse Treatment
112.67 Restriction in Payment to Households Headed by a Minor Parent
112.68 School Attendance Initiative
112.69 Felons and Violators of Parole or Probation

SUBPART C: TANF EMPLOYMENT AND WORK ACTIVITY REQUIREMENTS

Section

112.70 Employment and Work Activity Requirements
112.71 Individuals Exempt from TANF Employment and Work Activity Requirements
112.72 Participation/Cooperation Requirements
112.73 Adolescent Parent Program (Repealed)
112.74 Responsibility and Services Plan
112.75 Teen Parent Personal Responsibility Plan (Repealed)

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112.76 TANF Orientation
 112.77 Reconciliation and Fair Hearings
 112.78 TANF Employment and Work Activities
 112.79 Sanctions
 112.80 Good Cause for Failure to Comply with TANF Participation Requirements
 112.81 Responsible Relative Eligibility for JOBS (Repealed)
 112.82 Supportive Services
 112.83 Teen Parent Services
 112.84 Work Experience Evaluation Project (Repealed)
 112.85 Four Year College/Vocational Training Demonstration Project (Repealed)

SUBPART E: PROJECT ADVANCE

Section
 112.87 Project Advance (Repealed)
 112.87 Project Advance Experimental and Control Groups (Repealed)
 112.88 Project Advance Participation Requirements of Experimental Group
 112.88 Members and Adjudicated Fathers (Repealed)
 112.89 Project Advance Cooperation Requirements of Experimental Group
 112.89 Members and Adjudicated Fathers (Repealed)
 112.90 Project Advance Sanctions (Repealed)
 112.91 Good Cause for Failure to Comply with Project Advance (Repealed)
 112.93 Individuals Exempt From Project Advance (Repealed)
 112.95 Project Advance Supportive Services (Repealed)

SUBPART F: EXCHANGE PROGRAM

Section
 112.98 Exchange Program (Repealed)

SUBPART G: FINANCIAL FACTORS OF ELIGIBILITY

Section
 112.100 Unearned Income
 112.101 Unearned Income of Stepparent or Parent
 112.105 Budgeting Unearned Income
 112.106 Application And/Or Date Of Decision
 112.107 Initial Receipt of Unearned Income
 112.108 Termination of Unearned Income
 112.110 Exempt Unearned Income
 112.115 Education Benefits
 112.120 Incentive Allowances
 112.125 Unearned Income In-Kind
 112.126 Earnmarked Income
 112.127 Lump-Sum Payments
 112.128 Protected Income (Repealed)

Employed On Date of

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112.130 Earned Income
 112.131 Earned Income Tax Credit
 112.132 Budgeting Earned Income
 112.133 Budgeting Earned Income of Employed Applicants
 112.134 Initial Employment
 112.135 Budgeting Earned Income For Contractual Employees
 112.136 Budgeting Earned Income For Non-Contractual School Employees
 112.137 Termination of Employment
 112.138 Transitional Payments (Repealed)
 112.139 Exempt Earned Income
 112.140 Exempt Income Exemption
 112.141 Earned Income Exemption
 112.142 Exclusion From Earned Income Exemption
 112.143 Recognized Employment Expenses
 112.144 Income from Work-Study and Training Programs
 112.145 Earned Income From Self-Employment
 112.146 Earned Income From Roomer and Boarder
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 112.148 Payments from the Illinois Department of Children and Family Services
 112.149 Earned Income In-Kind
 112.150 Assets
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 112.152 Asset Disregards
 112.153 Deferral of Consideration of Assets
 112.154 Property Transfers (Repealed)
 112.155 Income Limit

SUBPART H: PAYMENT AMOUNTS

Section
 112.250 Grant Levels
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 112.252 Payment Levels in Group I Counties
 112.253 Payment Levels in Group II Counties
 112.254 Payment Levels in Group III Counties
 112.255 Limitation on Amount of TANF Assistance to Recipients from Other States (Repealed)

SUBPART I: OTHER PROVISIONS

Section
 112.300 Persons Who May Be Included in the Assistance Unit
 112.301 Presumptive Eligibility
 112.302 Reporting Requirements for Clients with Earnings
 112.303 Retrospective Budgeting
 112.304 Budgeting Schedule
 112.305 Strikers
 112.306 Foster Care Program
 112.307 Responsibility of Sponsors of Non-Citizens Entering the Country Prior

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to 8/22/96
 112.308 Responsibility of Sponsors of Non-Citizens Entering the Country On or After 8/22/96
 112.309 Institutional Status
 112.310 Child Care for Representative Payees
 112.311 Young Parent Program (Renumbered)
 112.315 Redetermination of Eligibility
 112.320 Extension of Medical Assistance Due to Increased Income from Employment
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 112.331 Extension of Medical Assistance Due to Loss of Earned Income
 112.332 Disregard (Repealed)
 112.340 New Start Payments to Individuals Released from Department of Corrections Facilities (Repealed)
 SUBPART J: CHILD CARE
 Section
 112.350 Child Care (Repealed)
 112.352 Child Care Eligibility (Repealed)
 112.354 Qualified Provider (Repealed)
 112.354 Notification of Available Services (Repealed)
 112.356 Participant Rights and Responsibilities (Repealed)
 112.358 Additional Service to Secure or Maintain Child Care Arrangements (Repealed)
 112.364 Rates of Payment for Child Care (Repealed)
 112.366 Method of Providing Child Care (Repealed)
 112.370 Non-JOBS Education and Training Program (Repealed)

SUBPART K: TRANSITIONAL CHILD CARE

Section
 112.400 Transitional Child Care Eligibility (Repealed)
 112.400 Duration of Eligibility for Transitional Child Care (Repealed)
 112.406 Loss of Eligibility for Transitional Child Care (Repealed)
 112.408 Qualified Child Care Providers (Repealed)
 112.410 Notification of Available Services (Repealed)
 112.412 Participant Rights and Responsibilities (Repealed)
 112.414 Child Care Overpayments and Recoveries (Repealed)
 112.416 Fees for Service for Transitional Child Care (Repealed)
 112.418 Rates of Payment for Transitional Child Care (Repealed)

AUTHORITY: Implementing Article IV and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. IV and 12-13].

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134,

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effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; peremptory amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 339, effective August 18, 1979; amendment at 3 Ill. Reg. 37, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979; peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 9, p. 259, effective February 22, 1980; peremptory amendment at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982; amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted

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and codified at 7 Ill. Reg. 907, effective January 11, 1983; rules repealed and new rules adopted and codified at 7 Ill. Reg. 2720, effective February 28, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 11284, effective August 26, 1983; amended at 7 Ill. Reg. 13920, effective October 7, 1983; amended at 7 Ill. Reg. 15690, effective November 9, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 16105; amended at 7 Ill. Reg. 17344, effective December 21, 1983; amended at 8 Ill. Reg. 213, effective December 27, 1983; emergency amendment at 8 Ill. Reg. 369, effective January 1, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 4176, effective March 19, 1984; amended at 8 Ill. Reg. 5207, effective April 9, 1984; amended at 8 Ill. Reg. 7226, effective May 16, 1984; amended at 8 Ill. Reg. 11391, effective June 27, 1984; amended at 8 Ill. Reg. 12333, effective June 29, 1984; amended (by adding Sections being codified with no substantive change) at 8 Ill. Reg. 17894; peremptory amendment at 8 Ill. Reg. 18127, effective October 1, 1984; peremptory amendment at 8 Ill. Reg. 19889, effective October 1, 1984; amended at 8 Ill. Reg. 19983, effective October 3, 1984; emergency amendment at 8 Ill. Reg. 21666, effective October 19, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21621, effective October 23, 1984; amended at 8 Ill. Reg. 25023, effective December 19, 1984; amended at 9 Ill. Reg. 282, effective January 1, 1985; amended at 9 Ill. Reg. 4062, effective March 15, 1985; amended at 9 Ill. Reg. 8155, effective May 17, 1985; emergency amendment at 9 Ill. Reg. 10094, effective June 15, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11317, effective July 5, 1985; amended at 9 Ill. Reg. 12795, effective August 1, 1985; amended at 9 Ill. Reg. 15887, effective October 4, 1985; amended at 9 Ill. Reg. 16277, effective October 11, 1985; amended at 9 Ill. Reg. 17827, effective November 18, 1985; emergency amendment at 10 Ill. Reg. 354, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 1172, effective January 10, 1986; amended at 10 Ill. Reg. 3641, effective January 30, 1986; amended at 10 Ill. Reg. 4885, effective March 7, 1986; amended at 10 Ill. Reg. 8118, effective May 1, 1986; amended at 10 Ill. Reg. 10628, effective June 1, 1986; amended at 10 Ill. Reg. 11017, effective June 6, 1986; Sections 112.78 through 112.86 and 112.88 re-codified to 89 Ill. Adm. Code 160 at 10 Ill. Reg. 11928; emergency amendment at 10 Ill. Reg. 12107, effective July 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 12650, effective July 14, 1986; amended at 10 Ill. Reg. 14681, effective August 29, 1986; amended at 10 Ill. Reg. 15101, effective September 5, 1986; amended at 10 Ill. Reg. 15621, effective September 19, 1986; amended at 10 Ill. Reg. 21860, effective December 12, 1986; amended at 11 Ill. Reg. 2280, effective January 16, 1987; amended at 11 Ill. Reg. 3140, effective January 30, 1987; amended at 11 Ill. Reg. 4682, effective March 6, 1987; amended at 11 Ill. Reg. 5223, effective March 11, 1987; amended at 11 Ill. Reg. 6228, effective March 20, 1987; amended at 11 Ill. Reg. 9927, effective May 15, 1987; amended at 11 Ill. Reg. 12003, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 12432, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 12908, effective July 30, 1987; emergency amendment at 11 Ill. Reg. 12935, effective August 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 13625, effective August 1, 1987; amended at 11 Ill. Reg. 14755, effective

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August 26, 1987; amended at 11 Ill. Reg. 18679, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 18781, effective November 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20114, effective December 4, 1987; Sections 112.90 and 112.95 re-codified to Sections 112.52 and 112.54 at 11 Ill. Reg. 20610; amended at 11 Ill. Reg. 20889, effective December 14, 1987; amended at 12 Ill. Reg. 844, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 129, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 2126, effective January 12, 1988; SUBPARTS C, D and E re-codified to SUBPARTS G, H and I at 12 Ill. Reg. 2136; amended at 12 Ill. Reg. 3487, effective January 22, 1988; amended at 12 Ill. Reg. 6159, effective March 19, 1988; amended at 12 Ill. Reg. 6694, effective March 22, 1988; amended at 12 Ill. Reg. 7336, effective May 1, 1988; amended at 12 Ill. Reg. 7673, effective April 20, 1988; amended at 12 Ill. Reg. 9032, effective May 20, 1988; amended at 12 Ill. Reg. 10481, effective June 13, 1988; amended at 12 Ill. Reg. 14172, effective August 30, 1988; amended at 12 Ill. Reg. 14669, effective September 16, 1988; amended at 13 Ill. Reg. 70, effective January 1, 1989; amended at 13 Ill. Reg. 6017, effective April 14, 1989; amended at 13 Ill. Reg. 8567, effective May 22, 1989; amended at 13 Ill. Reg. 16006, effective October 6, 1989; emergency amendment at 13 Ill. Reg. 16142, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 14 Ill. Reg. 705, effective January 1, 1990; amended at 14 Ill. Reg. 3170, effective February 13, 1990; amended at 14 Ill. Reg. 3575, effective February 23, 1990; amended at 14 Ill. Reg. 6306, effective April 16, 1990; amended at 14 Ill. Reg. 10379, effective June 20, 1990; amended at 14 Ill. Reg. 13652, effective August 10, 1990; amended at 14 Ill. Reg. 14140, effective August 17, 1990; amended at 14 Ill. Reg. 16937, effective September 30, 1990; emergency amendment at 15 Ill. Reg. 338, effective January 1, 1991, for a maximum of 150 days; emergency amendment at 15 Ill. Reg. 2862, effective February 4, 1991; amended at 15 Ill. Reg. 5275, 150 days; emergency expired July 4, 1991; amended at 15 Ill. Reg. 5275, effective April 1, 1991; amended at 15 Ill. Reg. 5684, effective April 10, 1991; amended at 15 Ill. Reg. 11127, effective July 19, 1991; amended at 15 Ill. Reg. 11447, effective July 25, 1991; amended at 15 Ill. Reg. 14227, effective September 30, 1991; amended at 15 Ill. Reg. 17308, effective November 18, 1991; amended at 16 Ill. Reg. 9972, effective June 15, 1992; amended at 16 Ill. Reg. 11550, effective July 15, 1992; emergency amendment at 16 Ill. Reg. 11552, effective July 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 13629, effective September 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 17724, effective November 9, 1992; amended at 16 Ill. Reg. 20147, effective December 14, 1992; amended at 17 Ill. Reg. 357, effective December 24, 1992; amended at 17 Ill. Reg. 813, effective January 15, 1993; amended at 17 Ill. Reg. 2253, effective February 15, 1993; amended at 17 Ill. Reg. 4312, effective March 25, 1993; emergency amendment at 17 Ill. Reg. 6329, effective April 9, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 6792, effective April 21, 1993; amended at 17 Ill. Reg. 15017, effective September 3, 1993; amended at 17 Ill. Reg. 19156, effective October 23, 1993; emergency amendment at 17 Ill. Reg. 19696, effective November 1, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 5909, effective March 31, 1994; amended at 18 Ill. Reg. 6994, effective April 27, 1994; amended at 18 Ill. Reg.

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8703, effective June 1, 1994; amended at 18 Ill. Reg. 10774, effective June 27, 1994; amended at 18 Ill. Reg. 12805, effective August 5, 1994; amended at 18 Ill. Reg. 15774, effective October 17, 1994; expedited correction at 19 Ill. Reg. 998, effective October 17, 1994; amended at 19 Ill. Reg. 2845, effective February 24, 1995; amended at 19 Ill. Reg. 5609, effective March 31, 1995; amended at 19 Ill. Reg. 7883, effective June 5, 1995; emergency amendment at 19 Ill. Reg. 10206, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 12011, effective August 7, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 12664, effective September 1, 1995; emergency amendment at 19 Ill. Reg. 15244, effective November 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15561, effective November 9, 1995; emergency amendment at 19 Ill. Reg. 15839, effective November 15, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 16239, effective December 1, 1995, for a maximum of 150 days; amended at 20 Ill. Reg. 845, effective January 1, 1996; amended at 20 Ill. Reg. 3538, effective February 15, 1996; amended at 20 Ill. Reg. 5648, effective March 30, 1996; amended at 20 Ill. Reg. 6018, effective April 12, 1996; amended at 20 Ill. Reg. 6498, effective April 29, 1996; amended at 20 Ill. Reg. 7892, effective June 1, 1996; emergency amendment at 20 Ill. Reg. 12499, effective September 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 14820, effective November 1, 1996; amended at 20 Ill. Reg. 15983, effective December 9, 1996; emergency amendment at 21 Ill. Reg. 940, effective January 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 1597, amended at 21 Ill. Reg. 1655, effective February 7, 1997; amended at 21 Ill. Reg. 7391, effective May 31, 1997; emergency amendment at 21 Ill. Reg. 8426, effective July 1, 1997, for a maximum of 150 days; recorded from the Department of Public Aid to the Department of Human Services at 21 Ill. Reg. 9322, amended at 21 Ill. Reg. 15597, effective November 26, 1997; emergency amendment at 22 Ill. Reg. 4466, effective February 24, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 12197, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 14744, effective August 1, 1998; amended at 22 Ill. Reg. 16256, effective September 1, 1998; emergency amendment at 22 Ill. Reg. 16365, effective September 1, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 18082, effective October 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 19840, effective November 1, 1998; emergency amendment at 23 Ill. Reg. 598, effective January 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 942, effective January 6, 1999; emergency amendment at 23 Ill. Reg. 1133, effective January 7, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 1682, effective January 20, 1999; emergency amendment at 23 Ill. Reg. 5881, effective May 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 6958, effective May 30, 1999; amended at 23 Ill. Reg. 7091, effective June 4, 1999; amended at 23 Ill. Reg. 8672, effective July 1, 1999; emergency amendment at 23 Ill. Reg. 8796, effective July 13, 1999, for a maximum of 150 days; emergency amendment at 23 Ill. Reg. 10530, effective August 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 12648, effective September 27, 1999; amended at 23 Ill. Reg. 13898, effective November 19, 1999; amended at 24 Ill. Reg. 289, effective

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JUL 28 1999

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section 112.82 Supportive Services

- a) TANF participants who work or who are involved in approved ~~TANF~~ employment-and-work activities are eligible to receive supportive service payments to enable them to work or participate in an approved activity ~~the program~~ to the extent State resources permit and must receive supportive services if required to participate. Work is defined as employment in a job or self-employment. An approved activity is defined as an activity that leads toward self-sufficiency and is included in the client's Responsibility and Services Plan. The Department is not required to provide supportive services unless the Department requires the individual to work or participate in an approved activity ~~participation~~.
- b) During the Family Assessment, the supportive services needed by the participant which must be discussed and provided or arranged as needed include at least the following:
 - 1) transportation;
 - 2) child care;
 - 3) job search and work activity allowances;
 - 4) ~~intact~~ employment/job retention expenses;
 - 5) required books, fees, supplies;
 - 6) required physical examinations and medical services (for example, TB test);
 - 7) eyeglasses and dental procedures; and
 - 8) required background checks.
- c) These allowances are exempt from consideration in determining the TANF grant amount.
- d) ~~Participation~~ ~~TANF-participation~~ in work or in approved and-training activities shall not be required if supportive services are needed for effective participation but unavailable from the Department or some other reasonably available source. Individuals may be required to make a co-payment for Child Care.
- e) ~~Student financial assistance received under Title IV of the Higher Education Act (20 USC 1070 et seq. and 20 USC 1087(m)), including but not limited to Federal Pell Grants, Supplemental Educational Opportunity Grants, Byrd Scholarship Honors Program Grants, State Student Incentive Grants, Federal Stafford Loans, Supplemental Loans for Students, Perkins Loans, College Work Study and FLOOS Loans, shall be exempt when determining eligibility or need for supportive services under the TANF program (Sections 112.70 through 112.83), or the amount of such supportive services, except as follows. The Department shall not issue payment for the amount of supportive service needs (other than child care) which the Department is able to conclusively determine have been or will be met from such portion of a student's~~

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financial assistance grant as is not disbursed to the student but rather is retained by the educational institution and applied to the cost of a specific educational expense otherwise payable as a supportive service under the TANF program. Such exception shall not apply to the student's loan proceeds, which may never be taken into account in determining the need or eligibility of any student for supportive services, or the amount of such supportive services, under the TANF program. Nor shall such exception apply if the educational institution intermingles student grant and loan proceeds and the Department is unable to conclusively determine the portion of solely grant proceeds that is not disbursed to the student but rather is retained by the educational institution and applied to the cost of a specific educational expense otherwise payable as a supportive service under the TANF program.

f.) Eligible Services

1) Transportation

A) If requested and required (for example, a participant who does not have an automobile), expenses for transportation shall be provided to enable participants to attend approved scheduled-TANF-work-and-training-related activities and appointments and to begin or keep employment.

B) Transportation expenses are to be paid to permit participation in approved TANF work-and-training-related activities or to begin or keep employment including travel necessary to locate appropriate child care.

C) Transportation expenses are to be paid to permit the participant to take a State state certification examination.

D) Payment for lodging is permitted with Department approval to allow the participant to take a State certification examination. The Department's determination is based on the participant's geographical location, time required for travel, and means of available transportation from the examination site.

E) Payment for transportation is only made for expenses which, with other educational expenses, exceed the amount of the financial aid benefits.

F) A transportation allowance is provided for participants in approved education-and-training-activities-Work Experience-Work-Fstry-and-Approved program activities (for example, job clubs and Job Readiness sessions).

i) Public Transportation

Pay the actual public transportation rate per day or the cost of a monthly bus pass, whichever is lessy-but not-to-exceed-998-per-month. This allowance applies to the City of Chicago and communities statewide where public transportation is available.

ii) Private Transportation

Pay the following monthly rates if the participant

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must use a privately owned vehicle or pay someone for transportation: \$30 - Round trip transportation less than 10 miles per day; \$45 - Round trip transportation from 10 to 20 miles per day; and \$60 - Round trip transportation over 20 miles per day.

2) Child Care A) If requested and required (for example, when school is not in session), expenses for child care services shall be provided to enable participants to attend approved activities work and training-related TANF appointments.

B) Child-care-expenses-are-to-be-paid-to-permit-participation in-TANF-employment-and-work-activities-(see-Section-12-70)

B) Child care expenses may be paid to enable participants to start or maintain employment.

C) The Department shall allow payment of an amount not to exceed the maximum rates per child as established by the Department.

3) Job Search and Work Activity Allowances

A) An allowance of \$20 a month is to be paid to individuals participating in the Job Search Activity to assist in the payment of Job Search-related expenses or to individuals to assist in the payment of Job Search-related expenses if Job Search activities are part of another TANF activity.

B) An allowance of \$20 a month is to be paid to individuals to assist in the payment of work expenses related to participation in community service, work experience, or the Work First Activity assigned-TANF-work-related-activities.

4) Mandatory Fees

Mandatory fees, including application, registration, activities, laboratory, graduation and testing fees, are provided to participants enrolled in approved education or training programs (see Section 112.78) when the mandatory fees are not covered by financial aid benefits. A maximum payment of \$300 per 12 month period shall be provided. No payments are allowed for tuition.

5) Books and Supplies

Payment is allowed for books, supplies and equipment purchased in accordance with the educational or training facility's published list of required items for the particular program in which a participant is enrolled. A maximum payment of \$300 per 12 month period can be provided for expenses not covered by financial aid benefits.

6) Required Physical Examinations and Medical Services

Payment is permitted for participants to obtain required physical examinations and medical services (for example, TB test) if the costs are not otherwise provided by sources such as the employer or the training program.

7) Initial-Employment/Job-Retention-Expenses

A) The-total-amount-of-all-Initial-Employment-Expenses-provided

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shall not exceed \$400 in a 12 consecutive month period following the date employment begins--Initial--Employment Expenses--used--for--child--care--are--excluded--from--the calculation of the total amount.

- B) the total amount of--all--Job-Retention--Expenses--provided shall not exceed \$400 in a six consecutive month period. Job-Retention-Expenses--used--for--child--care--optical--and dental--services--are--excluded--from--the calculation of the total amount.

E) these expenses include:

- i) special clothing (maximum \$300);
- ii) required tools which are not provided by the employer (maximum \$300);

- iii) repairs on an automobile (maximum \$300);--The following requirements are to be met before a request for payment of--repair--of--and--automobile--is approved--the client has no other available and suitable form of transportation--to--and--from employment--the client is unable to report to the employment--the automobile is repaired--The client has a valid driver's license and has provided evidence of insurability--The automobile--when repaired--will be suitable for the purpose intended and no other obvious mechanical deficiency has been observed--The title and license of the automobile must be in the name of the client (or the client's spouse in a WAP case);

- iv) auto license plate fees;
- v) auto liability insurance at the cheapest rate but not to exceed \$150 of three months coverage whichever is less costly;

- vi) pay the actual public transportation rate per day or the cost of a monthly bus pass, whichever is less, but not to exceed \$80 per month--This allowance applies to the City of Chicago and communities statewide where public transportation is available--The following monthly rates will be paid if the participant must use a privately owned vehicle or pay someone for transportation--\$30--Round trip transportation less than 10 miles per day--\$45--Round trip transportation from 10 to 20 miles per day--and--\$60--Round trip transportation over 20 miles per day.

- vii) child care;

- viii) physical examinations prior to employment if required and not provided by the employer;

- ix) other--required--items--related--to--a--specific--job (maximum \$300);

- x) items or services purchased that will assist the

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individual--in meeting Illinois Department of Children and Family Services--child care licensing requirements (maximum \$300);--items and services may include--but are not limited to the purchase of fire extinguisher, smoke alarms--first aid kits and installation of a telephone;

- xi) security deposit for the driver of a carpool vehicle to transport a group of workers to a worksite; and
- xii) eyeglasses--and--dental--services--approved--by--the Department--to--alleviate--barriers--to--employment;

- B) Initial--Employment/Job-Retention--expenses--shall--not--be authorized--to--purchase--fire--arms--pay--bail--bonds--or--traffic tickets--or--pay--relocation--expenses--so--an--individual--can accept employment elsewhere;

- B) Initial--Employment/Job-Retention--expenses--are appropriate for the self-employment of the individual when expenses will assist the individual in becoming an Illinois Department of Children--and--Family Services--licensed child care provider and other micro enterprise start-ups--likely--to--generate income;

- B) Eyeglasses and Dental Procedures

Payment--is--allowed--with--Department--approval--for--eyeglasses--and dental procedures such as partial plates--for--participants--with noticeably missing/malformed teeth--or--other dental procedures needed to meet the objectives of the participant's Responsibility and Services Plan;

- 9) Background Checks

Payment of fees for conviction background investigations--is allowed--when--employers--request--a--background--check--of--their regular employees for the same type of job or work experience that is completed by the WAP participant--Criminal history record--conviction--information--is--obtainable--by--the--public pursuant to the Uniform Conviction Information Act (20-160S-2635) and the Health Care Worker Background Check Act (325-BGS-46);

- f) These allowances are exempt from consideration in determining the WAP grant amount;

- g) Ancillary Supportive Services

i) In addition to supportive service payments as specified in subsection (b) above, participants are eligible to receive the following ancillary supportive services, if needed, to enable them to participate in the WAP work program:

- A) vocational rehabilitation;
- B) emergency intervention services;
- C) substance abuse or domestic violence programs;
- D) life skills training activities;
- E) family planning/sex education;
- F) parenting skills; and
- G) family counseling;

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- 2) Child care and transportation at the Department's established rates may be provided to enable TANF participants to receive ancillary supportive services if they also participate in a TANF employment and work activity.
- 3) Regarding emergency intervention services, TANF staff will refer the participant to the appropriate local office for application under the Crisis Assistance Program (see 69 Ill. Adm. Code 116). The need for supportive services shall be discussed with the participant when a review of the participant's responsibility and Services Plan is made.

7) Payment is permitted for:

- A) special clothing, e.g., uniforms, hard hats, outside clothing, etc. (maximum \$600 in any 12-month period);
- B) required tools which are not provided by the employer (maximum \$600 in any 12-month period);
- C) repairs on an automobile (maximum \$900 in any 12-month period). The following requirements are to be met before a request for payment for repair of an automobile is approved: The client has no other available and suitable form of transportation to and from work or the approved activity. The client is unable to report to work or the approved activity unless the automobile is repaired. The client has a valid driver's license and has provided evidence of insurability. The automobile, when repaired, will be suitable for the purpose intended and no other obvious mechanical deficiency has been observed. The title and license of the automobile must be in the name of the client (or the client's spouse if the spouse lives in the home);
- D) auto license plate fees;
- E) auto liability insurance at the cheapest rate but not to exceed \$275 for three months coverage, whichever is less costly (can be issued three times in any 12-month period);
- F) other required items related to a specific job or approved activity (maximum \$900 in any 12-month period);
- G) items or services purchased that will assist the individual in meeting Illinois Department of Children and Family Services' child care licensing requirements (maximum \$900 in any 12-month period). Items and services may include but are not limited to the purchase of fire extinguishers, smoke alarms, first aid kits and installation of a telephone;
- H) security deposit for the driver of a carpool vehicle to transport a group of workers to a worksite; and
- I) expenses appropriate for the self-employment of the individual or expenses for other micro enterprise start ups likely to generate income.
- B) Eyeglasses and Dental Procedures
Payment is allowed with Department approval for eyeglasses and dental procedures such as partial plates for participants with

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- noticeably missing/maformed teeth or other dental procedures needed to meet the objectives of the participant's Responsibility and Services Plan and alleviate barriers to employment.

2) Background Checks
Payment of fees for conviction background investigations is allowed when employers require a background check of their regular employees for the same type of job or work experience that is completed by the TANF participant. Criminal history record conviction information is obtainable by the public pursuant to the Uniform Conviction Information Act [20 ILCS 2635] and the Health Care Worker Background Check Act [225 ILCS 46]. Payment shall not be authorized to purchase firearms, pay bail bonds or traffic tickets.

11) Ancillary Supportive Services

- A) In addition to supportive service payments, as specified in subsection (b) of this Section, participants are eligible to receive the following ancillary supportive services:

- i) vocational rehabilitation;
- ii) emergency intervention services;
- iii) substance abuse or domestic violence programs;
- iv) life skills training activities;
- v) family planning/sex education;
- vi) parenting skills; and
- vii) family counseling.

- B) Child care and transportation at the Department's established rates may be provided to enable TANF participants to receive ancillary supportive services.

- C) If emergency intervention services are needed, TANF staff will refer the participant to the appropriate local office for application under the Crisis Assistance Program (see 69 Ill. Adm. Code 116). The need for supportive services shall be discussed with the participant when a review of the participant's responsibility and Services Plan is made.

(Source: Amended 24 Ill. Reg. 289 effective 01/28/99)

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1) Heading of the Part: GENERAL PROGRAM2) Code Citation: 35 Ill. Adm. Code 1500

3) Section Numbers:

| | |
|---------|-------------------|
| 1500.10 | Emergency Action: |
| 1500.20 | New Section |
| 1500.30 | New Section |
| 1500.40 | New Section |
| 1500.50 | New Section |
| 1500.60 | New Section |

4) Statutory Authority: Implementing and authorized by the Drycleaner Environmental Response Trust Fund Act (415 ILCS 135).5) Effective Date of Rules: January 1, 20006) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it expires: N/A7) Date filed with the Index Department: December 27, 19998) A copy of the emergency amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.9) Reason for Emergency: Pursuant to Public Act 90-502 [415 ILCS 135], the Drycleaner Environmental Response Trust Fund Act went into effect on August 19, 1997. Various implementation dates were amended pursuant to Public Act 91-0453, effective August 6, 1999. Drafting of the rules has just been completed and to ensure that the revised Act will have rules for the administration of the Act, emergency rules are necessary until permanent rules can be adopted through regular rulemaking.10) A complete description of the subjects and issues involved: On August 6, 1999, the revised implementation dates for the Drycleaner Environmental Response Trust Fund Act went into effect. The emergency rules set forth definitions, license requirements, policies for applying for and receiving benefits and other administrative rules needed to implement the new program until permanent rules can be adopted through the regular rulemaking process.11) Are there any proposed amendments pending to this Part: No12) Statement of statewide policy objectives: This rule will not require local governments to establish, expand or modify their activities in such a way as to necessitate additional expenditures from local revenues.DRYCLEANER ENVIRONMENTAL RESPONSE TRUST FUND COUNCIL OF
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13) Information and questions regarding this amendment shall be directed to:

H. Patrick Eriksen
Drycleaner Environmental Response Trust Fund Council of Illinois
PO Box 7380
Bensenville, IL 60106-7380
(630) 741-0022

The full text of the Emergency Rules begins on the next page:

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TITLE 35: DRYCLEANER ENVIRONMENTAL RESPONSE TRUST FUND COUNCIL OF ILLINOIS
SUBTITLE N: DRYCLEANING

CHAPTER 1: DRYCLEANER ENVIRONMENTAL RESPONSE TRUST FUND COUNCIL OF ILLINOIS

PART 1500
GENERAL PROGRAM

| | |
|-----------|---------------------------------------|
| Section | General |
| 1500.10 | Emergency |
| 1500.20 | Drycleaning Facility License |
| 1500.30 | Drycleaner Remedial Account |
| 1500.40 | Drycleaner Facility Insurance Account |
| 1500.50 | Appeals |
| 1500.60 | Forms |
| EMERGENCY | |

AUTHORITY: Implementing and authorized by the Drycleaner Environmental Response Trust Fund Act [415 ILCS 135/20(a)].

SOURCE: Emergency rule adopted at 24 Ill. Reg. **307** III, effective January 1, 2000, for a maximum of 150 days.

Section 1500.10 General
EMERGENCY

This Part sets forth the rules, regulations and requirements of the Drycleaner Environmental Response Trust Fund Act. The purpose of this Part is to support and further define the policies for implementing the Drycleaner Environmental Response Trust Fund Act [415 ILCS 135], which hereinafter is referred to as the "Act". Terms used in this Part shall have the same meaning as in the Act.

Section 1500.20 Drycleaning Facility License
EMERGENCY

- a) On and after January 1, 1998, every active drycleaning facility must obtain a license from the Council. No person shall operate a drycleaning facility in this State without a license issued by the Council for that facility. (Section 60(a) of the Act)
- b) The Council shall issue initial and annual renewal licenses to an active drycleaning facility upon an applicant's submission of a completed application prescribed by the Council (see Section

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1500.60(a) and proof of payment of the required fee to the Department of Revenue (Section 60(b) of the Act) by submittal of the DS-3 Form (this form was prescribed by the Department of Revenue) subject to the following:

- 1) The annual license period is January 1 through December 31.
- 2) The license fee and the DS-3 Form must be submitted to the Department of Revenue 60 days prior to issuance of a license.
- 3) The Department of Revenue will return the applicant's copy of the DS-3 Form to confirm receipt of the appropriate license fee.
- 4) The original DS-3 Form returned from the Department of Revenue must be submitted to the Council with the license application or renewal application. Applications submitted without the original DS-3 Form will be returned to the applicant.
- 5) Upon receipt of a properly completed license application and an original DS-3 Form indicating the appropriate license fee has been received by the Department of Revenue, the Council will process the license application.
- 6) License fees are non-refundable.
- 7) Any drycleaning facility, which begins operation on or after January 1, 2000, must obtain a license prior to operating the facility.

c) The required annual fee for a license is as follows:

- 1) \$500 for a facility that purchases:
 - A) 140 gallons or less of chlorine-based drycleaning solvents annually, and does not purchase hydrocarbon-based drycleaning solvents;
 - B) 1400 gallons or less of hydrocarbon-based drycleaning solvents annually (Section 60(c)(1) of the Act), and does not purchase chlorine-based drycleaning solvents;
 - C) both chlorine-based drycleaning solvents and hydrocarbon-based drycleaning solvents, using a multiplier of 10 for chlorine-based drycleaning solvents to determine an equivalent value based upon one gallon of chlorine-based drycleaning solvents having an equivalent value of 10 gallons of hydrocarbon-based drycleaning solvents, 1400 gallons of hydrocarbon-based drycleaning solvents, 1400 equivalent value gallons or less combined hydrocarbon-based and chlorine-based, multiplied by 10, drycleaning solvents.
- 2) \$1,000 for a facility that purchases:
 - A) more than 140 gallons but less than 360 gallons of chlorine-based drycleaning solvents annually, and does not purchase hydrocarbon-based drycleaning solvents;
 - B) more than 1400 gallons but less than 3600 gallons of hydrocarbon-based drycleaning solvents annually (Section 60(c)(2) of the Act), and does not purchase chlorine-based drycleaning solvents;
 - C) both chlorine-based drycleaning solvents and hydrocarbon-based drycleaning solvents, using a multiplier

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of 10 for chlorine-based drycleaning solvents to determine an equivalent value based upon one gallon of chlorine-based drycleaning solvents having an equivalent value of 10 gallons of hydrocarbon-based drycleaning solvents, more than 1400 equivalent value gallons but less than 3600 equivalent value gallons combined hydrocarbon-based and chlorine-based, multiplied by 10, drycleaning solvents.

3) \$1,500 for a facility that purchases:

- A) 360 gallons or more of chlorine-based drycleaning solvents annually;
- B) 3600 gallons of hydrocarbon-based drycleaning solvents annually (Section 60(c)(3) of the Act);
- C) both chlorine-based drycleaning solvents and hydrocarbon-based drycleaning solvents, using a multiplier of 10 for chlorine-based drycleaning solvents to determine an equivalent value based upon one gallon of chlorine-based drycleaning solvents having an equivalent value of 10 gallons of hydrocarbon-based drycleaning solvents, more than 3600 equivalent value gallons or more combined hydrocarbon-based and chlorine-based, multiplied by 10, drycleaning solvents.

4) If an applicant submits a license application to operate a facility beginning during a license year, the license fee for the first year shall be prorated as follows:

- A) For a license with an effective date on or after January 1 and before April 1, 100% of the fee is required;
- B) For a license with an effective date on or after April 1 and before July 1, 75% of the fee is required;
- C) For a license with an effective date on or after July 1 and before October 1, 50% of the fee is required;
- D) For a license with an effective date on or after October 1 and before January 1 of the following year, 25% of the fee is required.

d) For purposes of this Section, the quantity of drycleaning solvents purchased annually shall be determined as follows:

- 1) In the case of an initial applicant, the quantity of drycleaning solvents that the applicant estimates will be used during his or her initial license year. A fee assessed under this subsection (d)(1) is subject to audited adjustment for that year; or
 - 2) In the case of a renewal applicant, the quantity of drycleaning solvents actually used in the preceding license year. (Section 60(c) of the Act)
- e) The Council may adjust licensing fees annually based on the change in the published Consumer Price Index. All Urban Consumers, U.S. city average, all items, (CPI-U) for the 12 months preceding the month the Council adjusts the licensing fee or as otherwise determined by the Council. (Section 60(c) of the Act)

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f) A license issued under this Section shall expire one year after the date of issuance and may be renewed on reapplication to the Council and submission of proof of payment of the appropriate fee to the Department of Revenue in accordance with subsections (b) and (c). At least 30 days before payment of a renewal licensing fee is due, the Council shall attempt to:

- 1) notify the operator of each licensed drycleaning facility concerning the requirements of this Section; and
 - 2) submit a license fee payment form to the licensed operator of each drycleaning facility. (Section 60(d) of the Act)
- g) An operator of a drycleaning facility who is required to pay a license fee under the Act and fails to pay the license fee when the fee is due shall be assessed a penalty of \$5 for each day after the license fee is due and until the license fee is paid. (Section 60(g) of the Act)
- h) A license can be transferred from the drycleaning facility operator to a new operator of the same drycleaning facility upon completion of a license transfer form prescribed by the Council and signed by the license holder and transferee. If the drycleaning facility has an active insurance policy issued by the Council, the license can only be transferred if the insurance policy is also transferred.
- i) If a drycleaning facility operator terminates the operation of a licensed drycleaning facility at a specific location, the dryer/ operator can be re-licensed for a new drycleaning facility location without payment of an additional license fee provided the existing drycleaning facility license is terminated.

**Section 1500.30 Drycleaner Remedial Account
EMERGENCY**

The Council shall have the authority to provide reimbursement to eligible claimants for remedial action associated with the release of drycleaning solvents from the claimant's drycleaning facility. (Section 40(a) of the Act)

a) The following claimants are eligible for reimbursement from the remedial action account:

- 1) The owner or operator of an inactive drycleaning facility who was also the owner or operator of that drycleaning facility when it was an active drycleaning facility.
- 2) The owner or operator of an active drycleaning facility which is licensed by the Council under the Drycleaner Environmental Response Trust Fund Act at the time of application for remedial action benefits. (Section 40(b) of the Act)
- b) To be eligible for reimbursement, a claimant must demonstrate that drycleaning solvent contaminated soil, groundwater or both exceeds Illinois Environmental Protection Agency (Agency) tiered approach to corrective action objectives and all of the following:
 - 1) The source of the release is from the claimant's drycleaning facility. (Section 40(c)(1) of the Act)

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- 2) *At the time the release was discovered, the claimant and the drycleaning facility were in compliance with all the Agency reporting and technical operating requirements.* (Section 40(c)(2) of the Act)
- 3) *The claimant reported the release in a timely manner to the Agency in accordance with State law.* (Section 40(c)(3) of the Act)
- 4) *The claimant has not filed for bankruptcy on or after the date of the discovery of the release.* (Section 40(c)(4) of the Act)
- 5) *The release must have been discovered on or after July 1, 1997 and before July 1, 2004.* (Section 40(c)(7) of the Act)
- 6) *The claimant must submit a completed application form as provided by the Council (see Section 1500.60(c)) by June 30, 2004.* (Section 40(d) of the Act)
- 7) *If the claim is for reimbursement of remedial action expenses at an active drycleaning facility, the claimant must demonstrate continuous financial assurance for environmental liability coverage in the amount of at least \$500,000 beginning the date of award of benefits under the Act or July 1, 2000, whichever is earlier, and the claimant must provide to the Council proof of implementation and maintenance of the following pollution prevention measures:* (Section 40(c)(5) and (6) of the Act)
 - A) *Management of all drycleaning solvent wastes in accordance with applicable State waste management laws and rules.* (Section 40(c)(5)(A) of the Act)
 - B) *A prohibition on the discharge of wastewater from drycleaning machines or of drycleaning solvent from drycleaning operations to a sanitary sewer or septic tank or to the surface or to groundwater.* (Section 40(c) (5)(B) of the Act)
 - C) *Installation of a containment dike or other containment structure around each machine which is capable of containing a capacity of 110 percent of the drycleaning solvent in the largest tank or vessel in the machine for any leak, spill, or release of drycleaning solvent from that machine.*
 - D) *Installation of a containment dike or other containment structure around each item of equipment or drycleaning area in which any drycleaning solvent is utilized, which shall be capable of containing a capacity of 100 percent of the drycleaning solvent capacity of each item of equipment or area for any leak, spill, or release of drycleaning solvent from that item.* (Section 40(c)(5)(C)(1))
 - E) *Installation of a containment dike or other containment structure around each portable hazardous waste container in which any drycleaning solvent is utilized, which shall be capable of containing a capacity of 100 percent of the drycleaning solvent capacity of the largest portable*

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- hazardous waste container, or at least 10 percent of the total volume of the portable hazardous waste containers stored within the containment device, whichever is greater, for any leak, spill, or release of drycleaning solvent from that item. The portable hazardous waste container and containment dike should be located within the drycleaning facility. If the portable hazardous waste container is not located within the drycleaning facility, then the portable hazardous waste container and the containment device must be located in a structure designed to prevent unauthorized access and prevent exposure to natural elements and provide safety to human health and the environment.
- F) *All diked floor surfaces on which a drycleaning solvent may leak, spill or otherwise be released must be sealed or otherwise rendered impervious to drycleaning solvents.* (Section 40(c)(5)(C)(ii) of the Act)
 - G) *Chlorine based drycleaning solvents shall be delivered to the drycleaning facility by means of closed, direct-coupled delivery and vapor recovery systems.* (Section 40(c)(5)(D) of the Act)
 - H) *All petroleum based drycleaning solvents shall be delivered to the drycleaning facility by means of a direct-coupled delivery system with proper vent lines for receiving the product.*
 - C) *Subject to Fund limitations, eligibility requirements, prioritization and reimbursement limitations, the Council may reimburse up to but not to exceed:*
 - 1) *\$160,000 per active drycleaning facility for which an eligible claim is submitted during the program year beginning July 1, 1992.* (Section 40(f)(1)(A) of the Act)
 - 2) *\$150,000 per active drycleaning facility for which an eligible claim is submitted during the program year beginning July 1, 2000.* (Section 40(f)(1)(B) of the Act)
 - 3) *\$140,000 per active drycleaning facility for which an eligible claim is submitted during the program year beginning July 1, 2001.* (Section 40(f)(1)(C) of the Act)
 - 4) *\$130,000 per active drycleaning facility for which an eligible claim is submitted during the program year beginning July 1, 2002.* (Section 40(f)(1)(D) of the Act)
 - 5) *\$120,000 per active drycleaning facility for which an eligible claim is submitted during the program year beginning July 1, 2003.* (Section 40(f)(1)(E) of the Act)
 - 6) *\$50,000 per inactive drycleaning facility.* (Section 40(f)(1)(F) of the Act)
 - d) *An eligible claimant submitting a claim for an active drycleaning facility is responsible for the first \$5,000 of eligible focused site investigation costs and for the first \$10,000 of eligible remedial*

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action costs incurred in connection with the release and is only eligible for reimbursement for costs that exceed those amounts, subject to any other limitations of the Act. (Section 40(e)(1) of the Act)

- e) An eligible claimant submitting a claim for an inactive drycleaning facility is responsible for the first \$10,000 of eligible focused site investigation costs and for the first \$10,000 of eligible remedial action costs incurred in connection with the release from that drycleaning facility, and is only eligible for reimbursement for costs that exceed those amounts, subject to any other limitations of the Act. (Section 40(e)(2) of the Act)

- f) For the purpose of claimant reimbursement, eligible expenses are limited subject to the following:

- 1) For remedial action activities which occur on or after July 1, 1999, only those costs which are pre-approved by the Council are eligible for reimbursement unless an emergency exists. In the case of an emergency, the Council may reimburse reasonable expenses for remediation services required to mitigate the emergency conditions.
- 2) For remedial action activities which occur prior to July 1, 1999, the Council may reimburse costs which the Council determines were reasonable and necessary.
- 3) To be pre-approved for reimbursement, remedial action activities must be required under the site remediation program. Only services required to obtain a no further remediation letter for the drycleaning solvent of concern, based upon continued land use as a drycleaning facility, are reimbursable.
- 4) A contract in which one of the parties to the contract is a claimant, for goods or services that may be payable or reimbursable from the Council, is void and unenforceable unless and until the Council has found that the contract terms are within the range of usual and customary rates for similar or equivalent goods or services within this State and has found that the goods or services are necessary for the claimant to comply with Council standards or with the site remediation program. (Section 40(f)(2) of the Act)
- 5) The Council may require a claimant to obtain and submit 3 bids and may require that the bids contain specific terms and conditions consistent with the requirements of the site remediation program and the site specific characteristics of the drycleaning facility for which budget approval is requested. Approval of a bid will be both price and scope specific. (Section 40(f)(4) of the Act)
- 6) If a claimant has pollution liability insurance coverage other than coverage provided by the insurance account under the Act, that coverage shall be primary. Reimbursement from the remedial account shall be limited to the deductible amounts under the

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primary coverage and the amount that exceeds the policy limits of the primary coverage, subject to the deductible amounts of the Act. If there is a dispute between the claimant and the primary insurance provider, reimbursement from the remedial action account may be made to the claimant after the claimant assigns all of his or her interests in the insurance coverage to the Council. (Section 40(f)(9) of the Act)

- 7) Reimbursement of any amount from the Fund for remedial action shall be subject to the Council acquiring by subrogation the rights of any claimant or other person to recover the costs of remedial action for which the Fund has compensated the claimant.

- 8) If, for any reason, the Council determines that an excess payment has been paid from the Fund, the Council may take steps to collect the excess amount.

- 9) Cost recovery; enforcement.
A) The Council may seek recovery from a potentially responsible party liable for a release that is the subject of a remedial action and for which the Fund has expended moneys for remedial action. The amount of recovery sought by the Council shall be equal to all moneys expended by the Fund for and in connection with the remediation, including but not limited to reasonable attorneys' fees and costs of litigation expended by the Fund in connection with the release. (Section 50(a) of the Act)

- B) Except as provided in subsections (f)(9)(C) and (D):
1) The Council shall not seek recovery for expenses in connection with remedial action for a release from a claimant eligible for reimbursement except for any unpaid portion of the deductible. (Section 50(b)(1) of the Act)

- ii) A claimant's liability for a release for which coverage is admitted under the insurance account shall not exceed the amount of the deductible, subject to the limits of insurance coverage. (Section 50(b)(2) of the Act)

- C) Notwithstanding subsection (f)(9)(B), the liability of a claimant to the Fund shall be the total costs of remedial action incurred by the Fund, as specified in subsection (f)(9)(A), if the claimant has not complied with the Environmental Protection Act and its rules or with the Act and its rules. (Section 50(c) of the Act)

- D) Notwithstanding subsection (f)(9)(B), the liability of a claimant to the Fund shall be the total costs of remedial action incurred by the Fund, as specified in subsection (f)(9)(A), if the claimant received reimbursement from the Fund through misrepresentation or fraud, and the claimant shall be liable for the amount of the reimbursement.

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(Section 50(d) of the Act)
E) Upon reimbursement by the Fund for remedial action under the Act, the rights of the claimant to recover payment from a potentially responsible party are assumed by the Council to the extent the remedial action was paid by the Fund. A claimant is precluded from receiving double compensation for the same injury. A claimant may elect to permit the Council to pursue the claimant's cause of action for an injury not compensated by the Fund against a potentially responsible party, provided the Attorney General or his or her designee determines the representation would not be a conflict of interest. (Section 50(e) of the Act)

F) This subsection (f)(9) does not preclude, limit, or in any way affect any of the provisions of or causes of action pursuant to Section 22.2 of the Environmental Protection Act [415 ILCS 5/22.2]. (Section 50(f) of the Act)

g) Prioritization based upon Fund limitations.

1) The liability of the Fund is further limited by the monies made available to the Fund, and no remedy shall be provided for that would require the Fund to exceed its then current funding limitations to satisfy an award or which would restrict the availability of monies for higher priority sites. The Council may prioritize the expenditure of funds from the remedial action account whenever it determines that there are not sufficient funds to settle all current claims. In prioritizing, the Council may consider the following:

- A) The degree to which human health is affected by the exposure posed by the release; (Section 25(c)(1) of the Act)
- B) The reduction of risk to human health derived from remedial action compared to the cost of the remedial action; (Section 25(c)(2) of the Act)
- C) The present and planned uses of the impacted property; and (Section 25(c)(3) of the Act)
- D) Other factors as determined by the Council. (Section 25(c)(4) of the Act)

2) If the Council determines that there are not sufficient funds to settle all current claims and that prioritization is necessary, the Council will provide notice to all eligible claimants of the need for prioritization and the prioritization schedule.

Section 1500-.40 Drycleaner Facility Insurance Account

EMERGENCY

a) The owner or operator of an active drycleaning facility shall be eligible for up to \$500,000 financial assurance per drycleaning facility from the Council subject to the following limitations:

- 1) To apply for financial assurance coverage, the owner or operator

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of an active drycleaning facility must submit a completed application provided by the Council (see Section 1500.60(b)). The Council will not determine who must submit the application. Any insurance policy issued must identify both the owner and the operator and both will be named insureds.

2) Prior to the submission of an insurance application and no later than June 30, 2004 for a drycleaning facility which is active on June 30, 2004, an applicant must have a focused site investigation completed which is designed to identify soil and groundwater contamination resulting from the release of drycleaning solvents at the facility based upon the continued use of the facility as a drycleaning facility, consistent with 35 Ill. Adm. Code 740.430 and 435.

3) The drycleaning facility is participating in and meets all requirements of a drycleaning compliance program approved by the Council. (Section 45(d)(2) of the Act)

4) Applications must include the annual premium for financial assurance coverage as follows:

- A) For the initial program year, \$250 per drycleaning facility; (Section 45(e)(1) of the Act)
- B) For the year July 1, 2000 through June 30, 2001, \$375 per drycleaning facility; (Section 45(e)(2) of the Act)
- C) For the year July 1, 2001 through June 30, 2002, \$500 per drycleaning facility; (Section 45(e)(3) of the Act)
- D) For the year July 1, 2002 through June 30, 2003, \$625 per drycleaning facility; (Section 45(e)(4) of the Act)
- E) For subsequent years, the applicant applying for coverage shall pay an annual actuarially sound insurance premium (Section 45(e)(5) of the Act) as determined by the Council.

The Council shall take into consideration risk factor adjustments to reflect the range of risk presented by:

- i) the type of drycleaning system
- ii) the type of monitoring system
- iii) drycleaning volume
- iv) risk management practices
- v) other factors determined by the Council. (Section 45(e)(5) of the Act)

5) If coverage is purchased for any part of a year, the purchaser shall pay the full annual premium for that year. The insurance premium is fully earned upon issuance of the insurance policy.

(Section 45(f) of the Act)

6) All insurance policies shall include a \$10,000 deductible (Section 45(g) of the Act).

7) Coverage shall be limited to remedial action costs associated with soil and groundwater contamination resulting from a release of drycleaning solvent at an insured drycleaning facility, including third-party liability for soil and groundwater

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- that person.
- b) The appeal shall be with an administrative hearing officer as determined by the Council. The administrative hearing officer may be the Council's legal counsel or an attorney licensed to practice law in Illinois. The administrative hearing officer may be disqualified from hearing the appeal for bias or conflict of interest. An adverse ruling, in and of itself, shall not constitute bias or conflict of interest.
 - 1) A hearing with the administrative hearing officer shall be held within 180 days of the filing of the notice of the appeal.
 - j) A final decision by the administrative hearing officer shall be issued no later than 120 days following the close of the hearing before the administrative hearing officer.
 - k) The time restrictions in this appeal procedure may be waived by mutual agreement of the parties.
 - l) The decision of the administrative hearing officer shall be subject to judicial review in accordance with the Administrative Review Law (735 ILCS 5/Art. III).
 - m) Unless displaced by a particular provision of this Section, the Administrative Hearings Article of the Illinois Administrative Procedure Act (5 ILCS 100/Art. 10) shall apply.

Section 1500.60 Forms

EMERGENCY

- a) The following is a summary of information that would be requested to be completed on the License Application Form to receive a license certificate.
 - 1) Drycleaning facility name, address, contact person, phone number and date facility began drycleaning operations.
 - 2) Drycleaner operator information including name, mailing address, contact person, phone number, type of legal entity, i.e., sole proprietorship, corporation, partnership, Federal ID or social security number, Illinois Business Tax ID number.
 - 3) Information pertaining to the owner of the real estate, including owner name, mailing address, contact person, phone number, type of legal entity, Federal ID or social security number.
 - 4) Information pertaining to the annual fee involving the quantity of drycleaning solvents purchased for the preceding year or estimated to be used in the current year if it is a new drycleaning facility.
 - 5) Information regarding the drycleaning solvent supplier, including name of supplier, contact person, phone number, mailing address, Illinois Business Tax ID number.

The license form must be signed by the applicant and returned with the appropriate application form and proof of payment of license fee in order to receive a license from the Drycleaner Environmental Response

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contamination, consistent with the terms of the Council's insurance policy. (Section 45(c) of the Act)

- 8) An insurance policy issued by the Council for a specific drycleaning facility location can be transferred to a successor drycleaning facility operator or owner upon execution of a policy transfer form prescribed by the Council and signed by the policy holder and transferee subject to any transfer fee determined by the Council. The insurance policy cannot be transferred unless the drycleaning facility license is also transferred.

Section 1500.50 Appeals

EMERGENCY

- a) Only a person who is the owner or operator of a drycleaning facility as defined by the Act shall have standing to appeal final decisions under the Act. Any written decision issued by the administrator of the fund shall be considered a final decision. Any written decision issued by the administrator of the fund may be appealed to the Council. Any decision by the Council may be appealed to the administrative hearing officer.
- b) The person who is the owner or operator of a drycleaning facility shall notify the administrator in writing of their intention to appeal a decision of the administrator within 180 days of receipt of the written action which is to be appealed.
- c) The administrator will review the appeal and respond in writing to the person who is the owner or operator of a drycleaning facility within 30 days of receipt of the appeal.
- d) If the person who is the owner or operator of a drycleaning facility still disagrees with the administrator's decision, that person may request further review by sending to the Council a written appeal within 60 days of the written action of the administrator which is to be appealed. Such notice shall be delivered to the administrator for delivery to the Council.
- e) The administrator shall deliver notice of the appeal to the person who is the owner or operator of a drycleaning facility and the Council within 30 days of receipt of notice of the appeal. The Council shall set a hearing within 180 days of receipt of the notice from the administrator. A decision by the Council shall be issued no later than 120 days following a hearing by the Council. (Section 20(g) of the Act)
- f) The person who is the owner or operator of a drycleaning facility shall notify the Council of their intention to appeal the Council decision within 60 days of receipt of the written action of the Council which is to be appealed.
- g) The Council shall deliver notice of the appeal to the person who is an owner or operator of a drycleaning facility and the administrative hearing officer within 30 days of receipt of notice of the appeal by

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Trust Fund of Illinois.

- b) The following is general information that must be completed on an insurance application form in order to receive pollution liability insurance coverage from the Fund.

- 1) Facility name, address, contact person, drycleaner license number and phone number.
- 2) Operator name, mailing address, contact person, legal entity, type of legal entity, whether the operator is the owner of the land, buildings or both.
- 3) Owner information including name, mailing address, contact person, type of legal entity.
- 4) Where correspondence regarding this application should be sent.
- 5) Information on the mortgagee, including name, mailing address.
- 6) Site specific information such as:
 - A) Number of drycleaning units not in use or temporarily out of use at the location.
 - B) Site conditions including distance in feet to the nearest building off premises.
 - C) Distance in feet to nearest water well.
 - D) Distance in feet to nearest water/sewer main.
 - E) Location of the property in terms of residential, commercial or industrial area.
 - F) A diagram of the facility showing location of the building, drycleaning units, stored drycleaning solvents, stored hazardous waste containers, etc. should be listed on the diagram.
 - G) What type of hazardous waste generator facility is at this location and if the facility is operating in accordance to the requirements for the type of hazardous waste generator facility that is indicated.
 - H) Does the facility participate in and meet all the requirements of the Drycleaning Compliance Program approved by the Council. If the answer is yes, the applicant must provide the name of the program and documentation of participation. In addition, the applicant must indicate if the facility is compliant with all the requirements of the Compliance Program.
 - I) Does the drycleaning unit have an Illinois EPA air operating permit? If so, the type of permit must be indicated.
- 7) Has a site investigation been conducted to identify soil and groundwater contamination of the facility? If it has, a copy of the entire report should be submitted with the application.
- 8) An indication of whether the applicant has ever reported a release or spill on this site to the Illinois Emergency Management Agency. If the answer is yes, the applicant should explain when, what and the current status of the cleanup. If the answer is no, the applicant should indicate if they are aware of

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a release or spill that has occurred at this facility which would impact soil and groundwater. If the answer to this question is yes, the applicant should explain when, what and the current status of the cleanup.

- 9) Specific information on each individual drycleaning unit at the facility, including:
 - A) Date each unit installed.
 - B) Was the unit new at installation?
 - C) Identification of the type of drycleaning solvent currently used.
 - D) Indicate what type of drycleaning unit it is, i.e., dry to dry, transfer, other.
 - E) What is the average amount of drycleaning solvent used per month in each unit?
 - F) Does the unit have a pollution control mechanism on it? If so, identify what type.
 - G) What is the size of each unit, based on pounds of clothes that each unit holds per cycle?
- 10) Hazardous Waste
 - A) Does the site maintain drycleaning solvent hazardous waste in approved containers which are labeled hazardous waste and properly dated?
 - B) Is wastewater from the drycleaning solvent discharged into a sanitary sewer/septic tank service or groundwater?
 - C) Are all drycleaning solvent waste generated at this facility managed in accordance with applicable State waste management laws and rules?
- 11) Pollution Prevention Measures
 - A) Does the unit have a containment dike or structure around each unit for the entire drycleaning area in which any drycleaning solvent is utilized, which is capable of containing a spill or leak?
 - B) Is the surface of the dike floor in which the drycleaning solvent may leak, spill or otherwise be released sealed or impervious?
 - C) Are regular visual inspections of the unit, solvent containers, waste containers and other areas where the solvent waste is located?
 - D) Are the repairs done on a timely basis and a log kept of all repairs?
 - E) Is the drycleaning solvent delivered to the facility by means of a closed direct coupled delivery system?
 - 12) An insurance application form must be signed and dated by the applicant.
- c) The following is a summary of information that would be requested to be completed on a claims form to apply for remedial action or insurance benefits.

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- 1) Business facility information including:
 - A) Name and address of property where release occurred and name, address and phone number of person filing claim.
 - B) An insurance policy number, if applicable.
 - C) The number of drycleaning units at this facility whether they are still in use and the drycleaning solvents that were stored in the drycleaning units.
 - D) Questions as to other types of drycleaning machines, equipment, underground or aboveground tanks besides the drycleaning units that store drycleaning solvent located at this facility that may contain any product that is chlorine or petroleum based.
 - E) Who owns the land that the drycleaning units are located on.
 - F) Who owns the facility and drycleaning units.
 - G) Who owns and operates the business at the location, including the length of time the business has been in operation and how long the current operator has operated the business.
- 2) General information about the spill or leak.
 - A) When did the person filing the claim first learn about the spill or leak?
 - B) How was the spill or leak discovered?
 - C) When and how was the problem reported to the Illinois Emergency Management Agency or the Illinois Environmental Protection Agency?
 - D) Information regarding the source of contamination.
 - E) Information regarding an awareness of any person who has suffered bodily injury or property damage as a result of this release.
 - F) Statement regarding whether the contamination has migrated beyond the property.
 - G) Has a site investigation been prepared?
 - H) Have cleanup activities commenced at the site?
 - I) The name of the licensed professional engineer performing remediation on this site, if applicable.
- 3) General information about other insurance at the facility.
 - A) Inquiry as to whether other insurance specifically providing pollution liability coverage has existed for this property. If the answer is yes, obtain the name of the company, policy number and a copy of the policy.
 - B) Has the incident been reported to the insurance company?
 - C) Has the person filing the claim requested payment from anyone else for costs associated with the claim? If the answer is yes, request information on the payment request from a third party.
- d) The following is a summary of general information that would be requested on the claim reimbursement request form:

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- 1) Claimant information including name, address, social security or Federal Tax ID number. In addition, site information regarding where the remedial activities were performed, including site name, physical address and city.
- 2) Contractor information in the form of contractor name, address and telephone number.
- 3) Remediation activities. An indication of the activities that were completed and the amount being billed at this time.
- 4) Reimbursements from other programs. An indication of whether the claimant has applied for reimbursement from any other source for the invoices being submitted with this report.
- 5) A request for original invoices.
- 6) A summary of the eligible cost, broken down by cost category and certification that the information is accurate and complete.
- 7) A schedule of detail to support the cost categories reported.

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1) Heading of the Part: Public Information

2) Code Citation: 2 Ill. Adm. Code 3100

3) Section Numbers: Emergency Action:
3100.10 New Section
3100.20 New Section
3100.30 New Section
3100.40 New Section
3100.50 New Section
3100.60 New Section
3100.70 New Section
APPENDIX A New Section
APPENDIX B New Section
ILLUSTRATION A New Section
ILLUSTRATION B New Section
ILLUSTRATION C New Section
ILLUSTRATION D New Section
ILLUSTRATION E New Section
ILLUSTRATION F New Section

4) Statutory Authority: Implementing and authorized by the Drycleaner Environmental Response Trust Fund Act [415 ILCS 135/20(a)].

5) Effective Date of Rules: January 1, 2000

6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it expires: N/A

7) Date filed with the Index Department: December 27, 1999

8) A copy of the emergency amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Reason for Emergency: Pursuant to Public Act 90-502 [415 ILCS 135], the Drycleaner Environmental Response Trust Fund Act went into effect on August 19, 1997. Various implementation dates were amended pursuant to Public Act 91-0453, effective August 6, 1999. Drafting of the rules has just been completed and to ensure that the revised Act will have rules for the administration of the Act, emergency rules are necessary until permanent rules can be adopted through regular rulemaking.

10) A complete description of the subjects and issues involved: On August 6, 1999, the revised implementation dates for the Drycleaner Environmental Response Trust Fund Act went into effect. The emergency rules set forth definitions and other administrative rules needed to implement the Freedom of Information Act new program until permanent rules can be adopted

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through the regular rulemaking process.

11) Are there any proposed amendments pending to this Part: No

12) Statement of statewide policy objectives: This rule will not require local governments to establish, expand or modify their activities in such a way as to necessitate additional expenditures from local revenues.

13) Information and questions regarding this amendment shall be directed to:

H. Patrick Eriksen
Drycleaner Environmental Response Trust Fund
Council of Illinois
PO Box 7380
Bensenville, IL 60106-7380
(630) 741-0022

The full text of the Emergency Rules begins on the next page:

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NOTICE OF EMERGENCY RULES

TITLE 2: GOVERNMENTAL ORGANIZATION
SUBTITLE E: MISCELLANEOUS STATE AGENCIES
CHAPTER LXI: DRYCLEANER ENVIRONMENTAL RESPONSE TRUST FUND COUNCIL OF ILLINOISPART 3100
PUBLIC INFORMATION

Section
3100.10 Introduction
EMERGENCY
3100.20 Definitions
EMERGENCY
3100.30 Procedures for Requesting Public Records
EMERGENCY
3100.40 Procedures for Council Response to Requests for Public Records
EMERGENCY
3100.50 Procedures for Appeal of a Denial
EMERGENCY
3100.60 Procedures for Providing Public Records to Requesters
EMERGENCY

APPENDIX A Fee Schedule for Duplication of Public Records
EMERGENCY
APPENDIX B Public Records Requests
EMERGENCY
ILLUSTRATION A Request for Public Records
EMERGENCY
ILLUSTRATION B Approval of Request for Public Records
EMERGENCY
ILLUSTRATION C Partial Approval of Request
EMERGENCY
ILLUSTRATION D Extension of Time for Disclosure
EMERGENCY
ILLUSTRATION E Denial of Request
EMERGENCY
ILLUSTRATION F Chairperson's Response to Appeal
EMERGENCY

AUTHORITY: Implementing the Freedom of Information Act [5 ILCS 140] and authorized by Section 20(a) of the Drycleaner Environmental Response Trust Fund Act [415 ILCS 135/20(a)].

SOURCE: Emergency rule adopted at 24 Ill. Reg. **325**, effective January 1, 2000, for a maximum of 150 days.

Section 3100.10 Introduction
EMERGENCY

DRYCLEANER ENVIRONMENTAL RESPONSE TRUST FUND COUNCIL OF
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This Part is established to implement the provisions of the Freedom of Information Act [5 ILCS 140]. The purpose of this Part is to support the policy of providing public access to the public records in the possession of the Drycleaner Environmental Response Trust Fund Council of Illinois while, at the same time, protecting legitimate privacy interests and maintaining administrative efficiency.

Section 3100.20 Definitions
EMERGENCY

Terms used in this Part shall have the same meaning as in the Freedom of Information Act.

"Administrator" means the Administrator of the Drycleaner Environmental Response Trust Fund Council of Illinois.

"Council" means the Drycleaner Environmental Response Trust Fund Council of Illinois.

"FOIA" means the Freedom of Information Act.

"Freedom of Information Officer" means the Administrator of the Drycleaner Environmental Response Trust Fund Council of Illinois.

"Requester" means a person who submits a request for inspection or copying of public records in accordance with this Part.

Section 3100.30 Procedures for Requesting Public Records
EMERGENCY

a) Person to Whom Requests are Submitted
Requests for inspection or copying of public records shall be submitted to the Freedom of Information Officer of the Council. Requests shall be submitted to the following address:

Administrator
Drycleaner Environmental Response Trust Fund Council of
Illinois
P.O. Box 7380
Bensenville, Illinois 60106

b) Form and Content of Requests

- 1) Requests must be made in accordance with FOIA. Requests may be submitted on FOIA request forms available from the Council.
- 2) The requester shall provide the following information in a request for inspection or copying of public records:
 - A) The requester's full name, address and telephone number;

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- B) A brief description of the public records sought, being as specific as possible;
- C) Whether the request is for inspection of public records, copies of public records, or both.

Section 3100.40 Procedures for Council Response to Requests for Public Records
EMERGENCY

- a) Timeline for Council Response
 - 1) The Council shall respond to a written request for inspection or copying of public records within 7 working days after receipt of the request.
 - 2) The Council may give notice of an extension of time to respond that does not exceed an additional 7 working days. An extension is allowable only if written notice is provided within the original 7 working day time limit and only for reasons provided in Section 3(d) of FOIA. Notice of extension shall state the reasons the extension is necessary.
- b) Types of Council Responses
 - 1) The Council shall respond to a request for inspection or copying of public records in one of three ways:
 - A) Approve the request;
 - B) Approve in part and deny in part;
 - C) Deny the request.
 - 2) Upon approval of a request for inspection or copying of public records, the Council may either make available the materials, give notice that the materials shall be made available upon payment of reproduction costs, or give notice of the time and place for inspection of records.
 - 3) A denial of a request shall be made in writing. It shall state the reasons for the denial in accordance with either Section 3(f) or Section 7 of FOIA and the names and titles of individuals responsible for the decision. It shall also give notice of the requester's right to appeal to the Chairperson of the Council.
 - 4) Categorical requests creating an undue burden upon the Council shall be denied only after extending to the requester an opportunity to confer with the Council in an attempt to reduce the request to manageable proportions in accordance with Section 3(f) of FOIA.
 - 5) Failure to respond to a written request within 7 working days may be considered by the requester as a denial of the request.

Section 3100.50 Procedures for Appeal of a Denial
EMERGENCY

- a) Appeal of a Denial
 - 1) A requester whose request has been denied by the Freedom of

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Information Officer may appeal the denial to the Chairperson of the Council. The notice of appeal shall be filed in writing within 14 working days after receipt of the denial and sent to:

Chairperson
Drycleaner Environmental Response Trust Fund Council of
Illinois
P.O. Box 7360
Bensenville, Illinois 60106

- 2) The notice of appeal shall include a copy of the original request, a copy of the denial received by the requester, and a statement of the reasons why the appeal should be granted.
- b) Chairperson's Response to Appeal
The Chairperson shall respond to an appeal within 7 working days after receiving notice. The Chairperson shall either affirm the denial or provide access to the requested public records.

Section 3100.60 Procedures for Providing Public Records to Requesters
EMERGENCY

- a) Inspection of Public Records
 - 1) Inspection of records shall take place in and during normal working hours of the Administrator.
 - 2) Documents the requester wishes to have copied shall be segregated during the course of the inspection. Generally, all copying shall be done by the Administrator or his/her employees.
 - 3) An employee of the Administrator may be present throughout the inspection. A requester may be prohibited from bringing bags, brief cases, or other containers into the inspection room.
- b) Copies of Public Records
 - 1) Copies of public records shall be provided to the requester only upon payment of any charges due.
 - 2) Charges for copies of public records shall be assessed in accordance with the fee schedule in Appendix A of this Part.
 - 3) Charges shall be waived if the requester is a State Agency, a constitutional officer or a member of the General Assembly. Charges may be waived or reduced in any case where the Freedom of Information Officer determines that the waiver serves the public interest.
- c) General Materials Available from the Freedom of Information Officer
The Freedom of Information Officer shall make available to the public at no charge the following materials:
 - 1) A brief description of the organizational structure and budget of the Council;
 - 2) A brief description of the means for requesting information and public records;

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- 3) A list of the types and categories of public records maintained by the Council.

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Section 3100.APPENDIX A Fee Schedule for Duplication of Public Records
EMERGENCYType of DuplicationCharge

Paper copy from paper original

\$.50/page

Paper copy from computer original

.50/page

Certification of Public Records

.50/certification

Some records possessed by the Council are in book or pamphlet form. A charge may be assessed for copying those materials based upon the copying cost incurred by the Council.

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Section 3100. APPENDIX B Public Records Requests
EMERGENCYSection 3100. ILLUSTRATION A Request for Public Records
EMERGENCYDRYCLEANER ENVIRONMENTAL RESPONSE TRUST FUND
COUNCIL OF ILLINOIS
P.O. Box 7380
Bensenville, IL 60106TO: Administrator
Drycleaner Environmental Response
Trust Fund Council of Illinois
P.O. Box 7380
Bensenville, Illinois 60106
FROM: Name _____
Address _____
Telephone Number _____

DESCRIPTION OF REQUESTED RECORDS:

Please indicate if you wish to inspect the above captioned records or wish a
copy of them:

_____ Inspection _____ Copy _____ Both _____

Do you wish to have copies certified? _____

FOR OFFICE USE ONLY

Date Received _____ Date Response Due _____

Notations re: Oral Communications or Other Items _____

DRYCLEANER ENVIRONMENTAL RESPONSE TRUST FUND COUNCIL OF
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Section 3100. ILLUSTRATION B Approval of Request for Public Records
EMERGENCYDRYCLEANER ENVIRONMENTAL RESPONSE TRUST FUND
COUNCIL OF ILLINOIS
P.O. Box 7380
Bensenville, Illinois 60106APPROVAL OF REQUEST FOR PUBLIC RECORDSTO: Name _____ FROM: Administrator
Drycleaner Environmental
Response Trust Fund Council
of Illinois
P.O. Box 7380
Bensenville, Illinois 60106
Address _____
Telephone Number _____

DESCRIPTION OF REQUESTED RECORDS:

Your request dated _____ for the above captioned records has been
approved.

The documents you requested are enclosed.

The documents will be made available upon payment of the copying costs in
the amount of _____.

You may inspect the records at _____ on _____

Date _____

FOIA Officer _____

Date _____

DRYCLEANER ENVIRONMENTAL RESPONSE TRUST FUND COUNCIL OF
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Section 3100. ILLUSTRATION C Partial Approval of Request
EMERGENCY

DRYCLEANER ENVIRONMENTAL RESPONSE TRUST FUND
COUNCIL OF ILLINOIS
P.O. Box 7380
Bensenville, Illinois 60106

PARTIAL APPROVAL OF REQUEST

TO: Name _____
FROM: Administrator
Drycleaner Environmental
Response Trust Fund Council
of Illinois
P.O. Box 7380
Bensenville, Illinois 60106
Address _____
Telephone Number _____

Pursuant to your written request of _____, enclosed you will
find copies of the records you have requested. Please note that pursuant to
Section 8 of the Freedom of Information Act, certain material originally
contained in these records has been deleted because the material is exempt
material under Section 7 of the Act.

FOIA Officer _____

Date _____

DRYCLEANER ENVIRONMENTAL RESPONSE TRUST FUND COUNCIL OF
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Section 3100. ILLUSTRATION D Extension of Time for Disclosure
EMERGENCY

DRYCLEANER ENVIRONMENTAL RESPONSE TRUST FUND
COUNCIL OF ILLINOIS
P.O. Box 7380
Bensenville, IL 60106

EXTENSION OF TIME FOR DISCLOSURE

TO: Name _____
FROM: Administrator
Drycleaner Environmental
Response Trust Fund Council
of Illinois
P.O. Box 7380
Bensenville, IL 60106
Address _____
Telephone Number _____

We have been unable to fill your request for inspection or copying of public
records of _____ for the reasons check below:

_____ The requested records are stored in another location.

_____ The request requires the collection of a large number of records.

_____ The request is categorical in nature and requires an extensive search. We
have failed to locate the requested records in our initial attempt and
the search is continuing.

_____ The requested records require examination by a competent person in order
to determine which, if any, are exempt under Section 7 of the Act.

_____ It would unduly burden or interfere with the operations of the Council to
fill the request within the initial 7 working days.

_____ There is a need for consultation with another public body that has a
substantial interest in the determination or in the subject matter of the
request.

The records you have requested will be available to you by
_____ (a date within 14 working days after receipt of the
request) or we will make a decision denying your request by that date.

DRYCLEANER ENVIRONMENTAL RESPONSE TRUST FUND COUNCIL OF
ILLINOIS

NOTICE OF EMERGENCY RULES

FOIA Officer _____

Date _____

DRYCLEANER ENVIRONMENTAL RESPONSE TRUST FUND COUNCIL OF
ILLINOIS

NOTICE OF EMERGENCY RULES

Section 3100. ILLUSTRATION E Denial of Request
EMERGENCYDRYCLEANER ENVIRONMENTAL RESPONSE TRUST FUND
COUNCIL OF ILLINOIS
P.O. Box 7380
Bensenville, IL 60106

DENIAL OF REQUEST

TO: _____ FROM: Administrator
Drycleaner Environmental
Response Trust Fund Council
of Illinois
P.O. Box 7380
Bensenville, IL 60106

Address

Telephone Number

You are hereby notified that your request for the disclosure of:

Is hereby denied and the reason for the denial is as follows:

(reason for denial, stating the basis in FOIA)

The person or persons making this decision to deny and their title or titles
are set forth below:

Name _____ Official Title _____

You are hereby further notified that you have the right to appeal this decision
to the Chairperson of the Drycleaner Environmental Response Trust Fund Council
of Illinois who, under the Illinois Freedom of Information Act, will make a
decision either to affirm the denial of disclosure or to allow disclosure
within 7 working days after you file a notice of appeal. Such notice of appeal
should be filed within 14 days after your receipt of this letter. If the
decision to deny your request for disclosure was made by the Chairperson of the
Drycleaner Environmental Response Trust Fund Council of Illinois, you have the
right to appeal the decision of the Chairperson to the Circuit Court for the
county where the Council has its principal office or where you reside, under
Section 11 of the Freedom of Information Act.

DRYCLEANER ENVIRONMENTAL RESPONSE TRUST FUND COUNCIL OF
ILLINOIS

NOTICE OF EMERGENCY RULES

FOIA Officer _____

Date _____

DRYCLEANER ENVIRONMENTAL RESPONSE TRUST FUND COUNCIL OF
ILLINOIS

NOTICE OF EMERGENCY RULES

Section 3100. ILLUSTRATION F Chairperson's Response to Appeal
EMERGENCYDRYCLEANER ENVIRONMENTAL RESPONSE TRUST FUND
COUNCIL OF ILLINOIS
P.O. Box 7380
Bensenville, IL 60106CHAIRPERSON'S RESPONSE TO APPEAL

TO: _____ FROM: Chairperson
Drycleaner Environmental
Response Trust Fund Council
of Illinois
P.O. Box 7380
Bensenville, IL 60106

Address

Telephone

DESCRIPTION OF REQUESTED RECORDS:

Noted below is the action I have taken on your appeal from the denial of your request for the above-captioned records:

_____ I hereby approve your appeal to the following extent and for the following reasons:

_____ I affirm the denial of your request made by the Freedom of Information Officer.

You are entitled to judicial review of any denial pursuant to Section 11 of the Freedom of Information Act.

Chairperson _____

Date _____

00

00

SECRETARY OF STATE

SECRETARY OF STATE

NOTICE OF EMERGENCY AMENDMENTS

NOTICE OF EMERGENCY AMENDMENTS

1) Heading of the Part: Regulations under the Illinois Securities Law of 1953

Chicago, IL 60601
(312) 793-3384
Springfield, IL 62701
(217) 782-2256

2) Code Citation: 14 Ill. Adm. Code 130

The full text of the emergency amendment begins on the next page:

| | | |
|----|-------------------------|--------------------------|
| 3) | <u>Section Numbers:</u> | <u>Emergency Action:</u> |
| | 130.842 | Amended |
| | 130.843 | Amended |

4) Statutory Authority: 815 ILCS 5

4) Statutory Authority: 815 ILCS 5

5) Effective Date of Amendments: December 31, 1999

5) Effective Date of Amendments: December 31, 1999

6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: Not applicable

7) Date Filed with Index Department: December 21, 1999

- 7) Date filed with Index Department: December 21, 1999
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Reason for Emergency: The previous examination requirements for Investment Advisers and Investment Adviser Representatives will be replaced, effective January 1, 2000, by a new examination administered by the National Association of Securities Dealers (NASD). The Securities Department's amendments to the current rules will reflect the change in the NASD examinations and modify registration requirements.

10) A Complete Description of the Subjects and Issues Involved:

Section 130.842 Amended to comply with new test language

Section 130.843 Amended to comply with new test language

11) Are there any proposed amendments to this Part pending: No

12) Statement of Statewide Policy Objectives: To continue to register Investment Advisers and Investment Adviser Representatives using the new test to be implemented by NASD and to modify registration requirements to reflect testing and registration changes.

13) Information and questions regarding this amendment shall be directed to:

Tanya Solov, Director
IL Securities Dept.
17 N. State St.
Suite 1100

Vickie Moseley
IL Securities Dept.
Lincoln Tower, 200
520 S. Second St.

SECRETARY OF STATE

NOTICE OF EMERGENCY AMENDMENTS

TITLE 14: COMMERCE
SUBTITLE A: REGULATION OF BUSINESS
CHAPTER I: SECRETARY OF STATE

PART 130
REGULATIONS UNDER ILLINOIS SECURITIES LAW OF 1953

SUBPART A: RULES OF GENERAL APPLICATION

| | |
|---------|---|
| Section | |
| 130.100 | Business Hours of the Securities Department |
| 130.101 | Computation of Time |
| 130.110 | Payment of Fees |
| 130.120 | Place of Filing |
| 130.130 | Date of Filing |
| 130.135 | Registration of Securities under Section 5 or 7 of the Act Utilizing the SRD |
| 130.140 | Requirements as to Proper Form |
| 130.141 | Additional Information |
| 130.142 | Additional Exhibits (Repealed) |
| 130.143 | Information Unknown or Not Reasonably Available |
| 130.144 | Requirements as to Paper, Printing, and Language |
| 130.145 | Number of Copies--Signatures |
| 130.190 | Provisions for Granting of Variance from Rules |
| | SUBPART B: DEFINITIONS |
| Section | |
| 130.200 | Definitions of Terms Used in the Act and the Rules |
| 130.201 | Definition of the Term "Investment Contract", as Used in Section 2.1 of the Act |
| 130.202 | Definition of the Term "Fractional Undivided Interest", as Used in Section 2.1 of the Act with Reference to Oil and/or Gas Leases, Rights or Royalties |
| 130.205 | Definition of the Term "Issuer" as Used in Section 2.2 of the Act as Applied to Fractional Interests in Oil, Gas and Other Mineral Leases, Rights or Royalties |
| 130.210 | Definition of Acts Not Constituting a "Sale" or "Offer" as Used in Section 2.5 or 2.5a of the Act |
| 130.211 | Definition of Acts Not Constituting an "Offer" of Securities under Section 5, 6, 7 or 8 of the Act |
| 130.212 | Definition of Acts Not Constituting an "Offer" Under Section 2.5a of the Act (Testing the Waters) |
| 130.215 | Definition of "Commission From an Underwriter or Dealer Not in Excess of the Usual and Customary Distributors' or Sellers' Commissions", as Used in Section 2.6 of the Act for Certain Transactions |
| 130.216 | Definition of "Participates" and "Participation", as Used in Section |

SECRETARY OF STATE

NOTICE OF EMERGENCY AMENDMENTS

| | |
|---------|--|
| 130.220 | 2.6 of the Act in Relation to Certain Transactions Definition of "Regularly Engaged in Securities Sales Activities", as Used in Section 2.9 of the Act |
| 130.221 | Exclusion of Certain Persons from the Definition of Investment Adviser in Section 2.11 of the Act |
| 130.225 | Definition of "Investment Fund Shares", as Used in Section 2.15 of the Act in Relation to Certain Issuers |
| 130.233 | Definition of the Phrase "Promissory Note or Draft, Bill of Exchange or Bankers' Acceptance" as Used in Section 3(L) of the Act |
| 130.234 | Definition, For Certain Purposes, of the Terms "Employee Security-Purchase Plan", "Employee Profit-Sharing Trust or Plan", "Employee Pension Trust or Plan", as Used in Section 3.N and Section 3.O of the Act (Repealed) |
| 130.235 | Definition, For Certain Purposes, of the Terms "Employee Profit-Sharing Trust or Plan", "Employee Pension Trust or Plan", as Used in Section 3.O of the Act (Repealed) |
| 130.241 | Definition of the Term "Institutional Investor" under Sections 4C and 4D of the Act |
| 130.242 | Definition of the Term "Financial Institution" under Section 4.C of the Act |
| 130.244 | Definition of "Issuer Required to File Reports Pursuant to the Provisions of Section 13 or Section 15(d) of the Federal 1934 Act" with Respect to Certain Foreign Private Issuers and "Reports Required to be Filed at Regular Intervals Pursuant to the Provisions of Section 13 or Section 15(d)" as Used in Section 4.F(1) of the Act |
| 130.245 | Definition of the Terms "Balance Sheet" and "Income Statement", as Used in Section 4.F of the Act |
| 130.246 | Definition of the Terms "Residents of this State", "Aggregate Sales Price" and "Sales Made in Reliance Upon the Exemption" Under Section 4.G of the Act and "General Advertising or General Solicitation" Under Sections 4.6, 4.H, 4.M and 4.R of the Act |
| 130.247 | Definition of the Term "Public" as Used in Section 4(G)(4) of the Act |
| 130.248 | Definition of the Terms "Offers for Sale" and "Solicitations of Offers to Buy", as Used in Section 4.L of the Act |
| 130.250 | Definition, For Certain Purposes, of the Terms "Commissions, Remuneration or Discounts", as Used in Section 4 and Section 5 of the Act |
| 130.251 | Definition of the Term "Maximum Aggregate Price", as Used in Section 5 of the Act |
| 130.270 | Definition of Certain Persons Not Considered to Be Dealers Under Section 2.7 of the Act |
| 130.280 | Definition of the Term "Branch Office" of a Registered Dealer, as Used in Section 8 of the Act |
| 130.281 | Definition of the Term "Branch Office" of a Registered Investment Adviser or a Federal Covered Investment Adviser, as Used in Section 8 of the Act |
| 130.282 | Definition, For Certain Purposes, of the Term "Officers", as Used in |

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NOTICE OF EMERGENCY AMENDMENTS

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Section 2.9 and Section 8.B.(6) of the Act
 Definition, For Certain Purposes, of the Terms "Inequitable", "Tend
 to Work, Fraud or Deceit", "Inequitable Practice in the Sale of
 Securities", and "Fraudulent Business Practices", as Used in Section
 8 and Section 11 of the Act
 130.285
 130.291
 Definition of the Terms "Fraudulent" and "Work or Tend to Work a
 Fraud or Deceit" as Used in Sections 11.E and 12.F of the Act for
 Purposes of the Payment of Completion Costs in Connection with the
 Offer or Sale of Securities Involving an Oil, Gas or Other Mineral
 Lease, Right or Royalty

SUBPART C: FEDERAL COVERED SECURITIES AND TRANSACTIONS

Section
 130.293
 Issuers of Covered Securities Required to File Notifications and Pay
 Fees and the Refusal to File Notifications or Pay Fees
 130.370
 Automated Quotation System Deemed to Have Substantially Equivalent
 Standards for Designation as Required By One or More Exchanges Set
 Forth in Section 3(G) of the Act (Repealed)

SUBPART D: EXEMPT TRANSACTIONS

Section
 130.420
 Uniform Limited Offering Exemption Pursuant to Section 4.D of the
 Act
 130.436
 Procedures for Applying for Trading Authorization Pursuant to
 Section 4(F)(2) of the Act
 130.440
 Procedures for Filing Reports of Sale under Section 4.G of the Act
 130.441
 Calculation of Number of Persons Under Section 4.G or 4.M of the Act
 130.442
 Report of Sale of Securities pursuant to Section 4.G of the Act
 130.490
 Procedures for Filing Reports of Sale under Section 4.P of the Act
 130.491
 Report of Sale of Securities pursuant to Section 4(P) of the Act

SUBPART E: REGISTRATION OF SECURITIES

Section
 130.501
 Title of Securities
 130.502
 Financial Statement Requirements
 130.503
 Disclaimer of Control
 130.505
 Formal Requirements as to Consents
 130.506
 Consents Required in Special Cases
 130.507
 Application to Dispense with Consent
 130.508
 Consent to Use of Material Incorporated by Reference
 130.510
 Procedures for Registration of Securities by Coordination under
 Section 5.A of the Act
 130.520
 Procedures for Registration of Securities by Qualification under
 Section 5.B of the Act
 130.525
 Procedures for Registration of Securities by Qualification under

Section 5.B(7) of the Act, Small Company Offering Registration
 ("SCOR") on Form U-7
 130.530
 Renewal of Registration of Securities Under Section 5.B of the Act
 130.531
 Computation of Fees
 130.532
 Registration of Additional Securities Pursuant to Section 5(C)(2) of
 the Act
 130.533
 Formal Requirements for Amendments Under Section 5 of the Act
 130.534
 Powers to Amend or Withdraw Registration Statement
 130.535
 Signatures of Amendments
 130.536
 Delaying Amendments
 130.538
 Withdrawal of Registration Statement, Amendment or Exhibit Filed
 Under the Federal 1933 Act
 130.540
 Procedure with Respect to Abandoning Registration Statements,
 Applications for Trading Authorizations and Post-Effective
 Amendments
 130.550
 Additional Fees Under Section 5 of the Act
 130.570
 Legibility of Prospectuses
 130.571
 Presentation of Information in Prospectuses
 130.572
 Summaries or Outlines of Documents
 130.573
 Preparation of Application for Registration
 130.574
 Incorporation of Certain Information by Reference
 130.575
 Form of and Limitation Upon Incorporation by Reference
 130.576
 Statement Required in Prospectuses
 130.577
 Prospectuses Supplementing Preliminary Material Supplied Previously
 130.578
 Application of Amendments to this Part Governing Contents of
 Prospectuses
 130.581
 Statement as to Stabilizing Required in Prospectuses Filed Under
 Section 5.B of the Act
 130.582
 Contents of Prospectus When Two or More Registrations Are in Effect
 Under Section 5.B of the Act
 130.590
 Identifying Statements
 130.591
 Requirements as to Appraisals
 130.592
 Omission of Substantially Identical Documents
 130.593
 Incorporation of Exhibits by Reference

SUBPART F: FACE AMOUNT CERTIFICATE CONTRACTS

Preamble
 130.600
 Procedures for Registration of Face Amount Certificate Contracts by
 Coordination under Section 6.A of the Act
 130.610
 Renewal of Registration of Face Amount Certificate Contracts Under
 Section 6.F of the Act
 130.630
 Additional Fees Under Section 6 of the Act
 130.650

SUBPART G: INVESTMENT FUND SHARES

Section

SECRETARY OF STATE

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130.700 Preamble
 130.701 Title of Investment Fund Shares Registered Under Section 5 or 7 of the Act
 130.710 Procedures for Registration of Investment Fund Shares by Coordination under Section 7.A of the Act
 130.715 Amendatory Statement for the Registration of Additional Class or Classes or the Reporting of a Change in Organization or Operations Pursuant to Section 7(D) of the Act
 130.730 Renewal of Registration of Investment Fund Shares Under Section 7(G) of the Act
 130.750 Additional Fees Under Section 7 of the Act
 130.771 Acts Which "Work or Tend to Work a Fraud or Deceit", in Connection with Offers, Sales or Dispositions of Investment Fund Shares

SUBPART H: REGISTRATION OF DEALERS, SALESPERSONS AND INVESTMENT ADVISERS

Section
 130.805 Exemptions From Registration as an Investment Adviser Under Section 8.A of the Act
 130.806 Acts Not Requiring a Notification Filing of a Federal Covered Investment Adviser or Registration as an Investment Adviser or Investment Adviser Representative Under Section 8 of the Act
 130.810 Procedures for Registration as a Dealer Under Section 8.B of the Act
 130.811 Procedures for Perfecting an Investment Adviser Exemption under Section 2.111(6) of the Act (Repealed)
 130.820 Procedure for Renewal and Withdrawal from Registration as a Dealer
 130.821 Reporting of Dealer Branch Office Location(s) and Required Fees
 130.822 Examinations Deemed Satisfactory for Purposes of Determining Sufficient Knowledge of Each Principal Under Section 8.B(9)(a) of the Act Prior to Registration as a Dealer
 130.823 Procedure for Requesting Waiver of Dealer, Salesperson, Investment Adviser, Investment Adviser Representative, or Principal Examination Requirements

130.824 Financial Statements to be Filed by a Registered Dealer
 130.825 Records Required of Dealers and Customer Fees
 130.826 Registered Dealer Net Capital Requirements
 130.827 Confirmations
 130.828 Notice of Materially Adverse Financial Condition Required to Be Filed With the Securities Department By a Registered Dealer
 130.829 Investor Protection Requirement of a Dealer Registered Under Section 8 of the Act
 130.832 Examinations Deemed Satisfactory for Purposes of Determining Sufficient Knowledge Under Section 8.C(7) of the Act for Registration as a Salesperson
 130.838 Procedures for Federal Covered Investment Adviser Notification Filing and Fees Under Section 8.C-5 of the Act
 130.839 Procedures for Registration as an Investment Adviser Representative Under Section 8.D-5 of the Act

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130.840 Procedures for Registration as an Investment Adviser Under Section 8.D of the Act
 130.841 Reporting of Investment Adviser Branch Office Location(s) and Required Fees
 130.842 Examinations and Education Programs Deemed Satisfactory for Purposes of Determining Sufficient Knowledge for Each Principal Under Section 8.D(19) of the Act Prior to Registration as an Investment Adviser
 130.843 Examination and Education Program Requirements for Registration as an Investment Adviser Representative Under Section 8.D-5 of the Act
 130.844 Statement of Financial Condition to Be Filed By a Registered Investment Adviser Which Retains Custody of Client's Cash or Securities or Accepts Pre-Payment of Fees in Excess of \$500.00 Per Client and Six (6) or More Months in Advance and Interim Financial Statements
 130.845 Records Required of Investment Advisers
 130.846 Written Disclosure Statements of a Registered Investment Adviser
 130.847 Financial and Disciplinary Information That Investment Advisers Must Disclose to Clients
 130.850 Account Transactions
 130.851 Commission, Profit or Other Compensation
 130.852 Compensation
 130.853 Account Transactions
 130.854 Use of the Term "Investment Counsel"
 130.860 Additional Fees Under Section 8 of the Act
 130.872 Procedure with Respect to Abandoned Dealer Applications
 130.873 Procedure with Respect to Abandoned Investment Adviser Applications

SUBPART J: SERVICE OF PROCESS

Section
 130.1001 Service of Process upon the Secretary of State

SUBPART K: PROCEDURES FOR ADMINISTRATIVE HEARINGS

Section
 130.1100 Preamble
 130.1101 Qualifications and Duties of the Hearing Officer
 130.1102 Notice of Hearing
 130.1103 Institution of a Contested Case by the Securities Department
 130.1104 Requirement to File an Answer
 130.1105 Amendment or Withdrawal of the Notice of Hearing
 130.1106 Representation
 130.1107 Special Appearance
 130.1108 Substitution of Parties
 130.1109 Failure to Appear
 130.1110 Motions

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Requirements Relating to Continuances

- 130.1111 Rules of Evidence
- 130.1112 Form of Papers
- 130.1113 Bill of Particulars (Repealed)
- 130.1114 Discovery
- 130.1115 Examination of Witnesses
- 130.1116 Subpoenas
- 130.1117 Pre-Hearing Conferences
- 130.1118 Record of a Pre-Hearing Conference
- 130.1119 Hearings
- 130.1120 Record of Proceedings
- 130.1121 Record of Hearing
- 130.1122 Orders
- 130.1123 Burden of Proof
- 130.1124 Stipulations
- 130.1125 Open Hearings
- 130.1126 Corrections to the Transcript
- 130.1127 Imposition of Fines
- 130.1128 Application for Hearing to Present Newly Discovered Evidence
- 130.1129 Failure to Comply With Order or Rules
- 130.1130 Application to Vacate an Order Issued Due to Default
- 130.1131 Disqualification of a Hearing Officer
- 130.1132

SUBPART O: EVIDENTIARY MATTERS AND NON-BINDING STATEMENTS

- Section
- 130.1520 Request for Non-Binding Statements

SUBPART P: SAVINGS PROVISIONS

- Section
- 130.1661 Investors Syndicate of America, Inc.
- 130.1662 State Bond and Mortgage Company

SUBPART Q: PUBLIC INFORMATION

- Section
- 130.1701 Inspection of Applications
- 130.1702 Inspection of Dealer, Salesperson and Investment Adviser Records
- 130.1703 Non-Public Distribution of Information

AUTHORITY: Implementing and authorized by the Illinois Securities Law of 1953 [815 ILCS 5].

SOURCE: Filed February 23, 1977, effective March 5, 1977; amended at 5 Ill. Reg. 9139, effective August 27, 1981; amended at 6 Ill. Reg. 6455, effective May 19, 1984; codified at 6 Ill. Reg. 12674; emergency amendment at 7 Ill. Reg. 17477, effective December 31, 1983, for a maximum of 150 days; emergency

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NOTICE OF EMERGENCY AMENDMENTS

expired May 31, 1984; emergency amendment at 8 Ill. Reg. 1476, effective January 18, 1984, for a maximum of 150 days; emergency expired June 17, 1984; emergency repealer at 8 Ill. Reg. 3803, effective March 14, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 13419, effective July 12, 1984; amended at 8 Ill. Reg. 13840, effective July 19, 1984; emergency amendment at 8 Ill. Reg. 13889, effective July 20, 1984, for a maximum of 150 days; emergency expired December 17, 1984; amended at 9 Ill. Reg. 208, effective December 20, 1984; emergency amendment at 10 Ill. Reg. 393, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 10753, effective June 3, 1986; recodified at 10 Ill. Reg. 19554; emergency amendment at 13 Ill. Reg. 11017, effective July 1, 1989, for a maximum of 150 days; emergency expired November 28, 1989; amended at 14 Ill. Reg. 884, effective December 30, 1989; amended at 14 Ill. Reg. 5188, effective March 26, 1990; emergency amendment at 15 Ill. Reg. 14303, effective November 1, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 6000, effective March 27, 1992; amended at 20 Ill. Reg. 14185, effective October 21, 1996; amended at 21 Ill. Reg. 7523, effective May 23, 1997; amended at 21 Ill. Reg. 7770, effective May 23, 1997; amended at 21 Ill. Reg. 8415, effective June 20, 1997; emergency amendment at 21 Ill. Reg. 9828, effective July 8, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 15892, effective December 1, 1997; amended at 22 Ill. Reg. 1933, effective January 1, 1998; emergency amendment at 24 Ill. Reg. 341, effective December 31, 1999, for a maximum of 150 days.

SUBPART H: REGISTRATION OF DEALERS, SALESPERSONS AND INVESTMENT ADVISERS

Section 130.842 Examinations and Education Programs Deemed Satisfactory for Purposes of Determining Sufficient Knowledge for Each Principal Under Section 8.D-(9) of the Act Prior to Registration as an Investment Adviser
EMERGENCY

- a) Examination Requirements. Any person applying to be registered as an Investment Adviser principal under the Act shall provide the Secretary of State with proof of obtaining a passing score on one of the following examinations: Examinations-and-Educational-Programs--
 1) The Uniform Investment Adviser Law Examination (Series 65 examination); or ~~the---General---Securities---Representative Examination (Series 7 or 2) and the Uniform--limited--investment Adviser Law Examination (Series 65) or the Uniform-Combined-State Law Examination--(Series--66)--conducted by the NASP are deemed satisfactory for purposes of determining sufficient knowledge--of each principal under Section 8.D-(9) of the Act--or~~
 2) The General Securities Representative Examination (Series 7 examination) and the Uniform Combined State Law Examination (Series 66 examination). ~~the--Series---65---Uniform---limited--Investment--Adviser Law Examination--or the Uniform-Combined-State Law Examination--(Series--66)--conducted by the NASP--and--the Educational--Programs--as set forth below--are deemed satisfactory~~

SECRETARY OF STATE

NOTICE OF EMERGENCY AMENDMENTS

subsection (c) (4) of this Section prior to registration as an investment adviser. ~~No fee is due to the Securities Department.~~
f) No person shall be deemed to have sufficient knowledge to act as principal of an investment adviser in this State unless and until he or she is 18 years of age in this State.

(Source: Emergency amendment at 24 Ill. Reg. 341, effective December 31, 1999, for a maximum of 150 days)

Section 130.843 Examination and Education Program Requirements for Registration as an Investment Adviser Representative Under Section 8.D-5 of the Act

EMERGENCY

- a) Examination Requirements. Any person applying to be registered as an Investment Adviser Representative under the Act shall provide the Secretary of State with proof of obtaining a passing score on one of the following examinations: ~~the Series 65 Uniform Investment Adviser Law Examination conducted by the NASB or the Series 66 Uniform Combined State Law Examination conducted by the NASB or the NASB or the Educational Programs as set forth below are deemed satisfactory for purposes of determining sufficient knowledge of each investment adviser representative under Section 8-B(5) of the Act:~~
- 1) The Uniform Investment Adviser Examination (Series 65 examination); or Designation of Chartered Financial Analyst (CFA) by the Institute of Chartered Financial Analysts;
 - 2) The General Securities Examination (Series 7 examination) and the Uniform Combined State Law Examination (Series 66 examination); or Designation of Chartered Investment Counselor (CIC) granted by the Investment Counsel Association of America (ICAA);
 - 3) Certification as a Chartered Financial Consultant (CFP) by the American College at Bryn Mawr, Pennsylvania;
 - 4) Designation of Certified Financial Planner (CFP) by the Certified Financial Planners Board of Standards for
 - 5) Designation of Certified Investment Management Consultant (CICM) by the Institute for Investment Management Consultants;
- b) Grandfathering:
- 1) Any person who is registered as an investment adviser in any jurisdiction in the United States on the effective date of this Section shall not be required to satisfy the examination requirements for continued registration, except that the Secretary of State may require additional examinations for any person found to have violated any state or federal securities law.
 - 2) Any person who has not been registered in any jurisdiction for a period of two years shall be required to comply with the examination requirements of this Section.
- c) Waivers. The examination requirements shall not apply to any person

SECRETARY OF STATE

NOTICE OF EMERGENCY AMENDMENTS

for purposes of determining sufficient knowledge of each principal under Section 8-B(9) of the Act:

- A) Designation of Chartered Financial Analyst (CFA) by the Institute of Chartered Financial Analysts;
- B) Designation of Chartered Investment Counselor (CIC) granted by the Investment Counsel Association of America (ICAA);
- C) Certification as a Chartered Financial Consultant (CFP) by the American College at Bryn Mawr, Pennsylvania;
- D) Designation of Certified Financial Planner (CFP) by the Certified Financial Planners Board of Standards for
- E) Designation of Certified Investment Management Consultant (CICM) by the Institute for Investment Management Consultants;

- b) Grandfathering:
- 1) Any person who is registered as an investment adviser in any jurisdiction in the United States on the effective date of this Section shall not be required to satisfy the examination requirements for continued registration, except that the Secretary of State may require additional examinations for any person found to have violated any state or federal securities law.
 - 2) Any person who has not been registered in any jurisdiction for a period of two years shall be required to comply with the examination requirements of this Section.
- c) Waivers. The examination requirements shall not apply to any person who currently holds one of the following professional designations:
- 1) Certified Financial Planner (CFP) awarded by the International Board of Standards and Practices for Certified Financial Planners, Inc.;
 - 2) Chartered Financial Consultant (CFC) awarded by the American College, Bryn Mawr, Pennsylvania;
 - 3) Personal Financial Specialist (PFS) awarded by the American Institute of Certified Public Accountants;
 - 4) Chartered Financial Analyst (CFA) awarded by the Institute of Chartered Financial Analysts;
 - 5) Chartered Investment Counselor (CIC) awarded by the Investment Counsel Association of America, Inc.; or
 - 6) Such other professional designation as the Secretary of State may by rule or order recognize.
- d) Scheduling of the Series 7, or 65 or 66 examination shall be arranged by the applicant with and fees paid to an office of the NASD.
- e) The applicant shall submit in writing to the Securities Department satisfactory proof of passing such examination prior to registration as an investment adviser if such information is not available to the Securities Department through the CRP.
- a) No fee is due to the Securities Department.
- e) The applicant shall submit in writing to the Securities Department satisfactory proof of the designation or certification referred to in

SECRETARY OF STATE

NOTICE OF EMERGENCY AMENDMENTS

who currently holds one of the following professional designations:

- 1) Certified Financial Planner (CFP) awarded by the International Board of Standards and Practices for Certified Financial Planners, Inc.;
- 2) Chartered Financial Consultant (ChFC) awarded by the American College, Bryn Mawr, Pennsylvania;
- 3) Personal Financial Specialist (PFS) awarded by the American Institute of Certified Public Accountants;
- 4) Chartered Financial Analyst (CFA) awarded by the Institute of Chartered Financial Analysts;
- 5) Chartered Investment Counselor (CIC) awarded by the Investment Counsel Association of America, Inc.; or
- 6) Such other professional designation as the Secretary of State may by rule or order recognize.

d) The scheduling of the Series 7, 65 or 66 examination shall be arranged by the applicant with and fees paid to an office of the NASD.

e) The applicant shall submit in writing to the Securities Department satisfactory proof of passing such examination prior to registration as an investment adviser representative if such information is not available to the Securities Department through the CRD.

f) The applicant shall submit in writing to the Securities Department satisfactory proof of the designation or certification referred to in subsection (c) of this Section prior to registration as an investment adviser representative. No fee is due to the Securities Department when this information is submitted.

(Source: Emergency amendment at 24 Ill. Reg. 34.1 effective December 31, 1999, for a maximum of 150 days)

TREASURER'S OFFICE

NOTICE OF EMERGENCY RULE

- 1) Heading of the Part: Capital Crimes Litigation Trust Fund
- 2) Code Citation: 74 Ill. Adm. Code 725
- 3) Section Numbers: 725.5
725.10
725.20
Emergency Action: New
New
New
- 4) Authority: 725 ILCS 5/101-15
- 5) Effective Date: January 1, 2000
- 6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: The emergency rule will expire when it is replaced by a permanent rule.
- 7) Date filed with the Index Department: December 23, 1999
- 8) A copy of the emergency amendment, including any materials incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Reason for Emergency: Under the Capital Crimes Litigation Act that will become effective January 1, 2000, the Treasurer is required to adopt rules and procedures for grant applications. The Treasurer's Office is also required to transfer funds from the Capital Litigation Trust Fund to the Cook County Treasurer's Office on January 1, 2000.
- 10) Complete Description of the Subjects and Issues Involved: Rule covers the requirement of the Cook County State's Attorney and the Cook County Public Defender to file separate grant applications each fiscal year with the State Treasurer for a grant from the Capital Litigation Trust Fund. Rule requires the Cook County Treasurer to file a monthly report with the State Treasurer providing information on how the grant was utilized and the amount of the grant remaining. The Cook County Treasurer, as the grant recipient, shall be required to maintain adequate records and documentation related to the expenditure of the grants.
- 11) Are there any other proposed amendments pending on this Part? No
- 12) Statement of Statewide Policy Objectives: These rules do not create or expand a state mandate.
- 13) Information and questions regarding this amendment shall be directed to:

Martin O. Noven
Office of the Illinois State Treasurer

TREASURER'S OFFICE

NOTICE OF EMERGENCY RULE

100 W. Randolph St., Suite 15-600
Chicago, IL 60601
(312) 814-1700

The full text of the emergency rules begins on the next page:

TREASURER'S OFFICE

NOTICE OF EMERGENCY RULE

TITLE 74: PUBLIC FINANCE
CHAPTER V: TREASURER

PART 725

CAPITAL CRIMES LITIGATION TRUST FUND

Section

725.5 Grant Application

EMERGENCY

725.10 Report Requirements

EMERGENCY

725.20 Record Requirements

EMERGENCY

AUTHORITY: Implementing and authorized by Section 15 of the Capital Crimes Litigation Trust Fund Act [725 ILCS 5/101-15].

SOURCE: Adopted by emergency rule at 24 Ill. Reg. 354, effective January 1, 2000, for a maximum of 150 days.

Section 725.5 Grant Application

EMERGENCY

a) In each State fiscal year, the Cook County State's Attorney and the Cook County Public Defender shall each make a separate application to the State Treasurer for a grant from the Capital Litigation Trust Fund. The form shall be created and provided by the State Treasurer's office.

b) The State Treasurer, based on the grant application, shall make grants to the Cook County Treasurer from the Capital Litigation Trust Fund. Grants shall be made as soon as possible after the beginning of the State fiscal year.

c) The amount of each grant shall be equal to the amount that has been appropriated to the State Treasurer from the General Assembly for the Capital Litigation Trust Fund for grants to be made by the State Treasurer to the Cook County Treasurer.

Section 725.10 Report Requirements

EMERGENCY

a) The Cook County Treasurer, as the grant recipient, shall report on a monthly basis the following to the State Treasurer:

1) how much of each grant has been expended;

2) how much of each grant is remaining; and

3) the purpose for which any grant money has been used.

b) The monthly reports to the State Treasurer by the Cook County Treasurer shall contain a certification that the expenditures of the funds have been made for expenses that are reasonable, necessary, and

TREASURER'S OFFICE

NOTICE OF EMERGENCY RULE

- appropriate for payment from the Trust Fund.
- c) The Cook County Treasurer shall keep funds in separate accounts for the Cook County State's Attorney, the Cook County Public Defender, and appointed trial lawyers other than the Cook County Public Defender.

Section 725.20 Record Requirements EMERGENCY

- a) The Cook County Treasurer shall maintain, for a minimum of five years after an expenditure is made, adequate books, records, and supporting documents to verify the following:
- 1) the amount of funds received;
 - 2) the recipients of the funds; and
 - 3) the purpose of all disbursements of funds in conjunction with the Agreement.
- b) All books, records, and supporting documentation related to expenditure of grants shall be available for review and audit by the State Treasurer and the Auditor General.

TREASURER'S OFFICE

NOTICE OF EMERGENCY AMENDMENT

- 1) Heading of the Part: Procurement
- 2) Code Citation: 44 Ill. Adm. Code 1400
- 3) Section Numbers: Emergency Action:
1400.2020 Amendment
- 4) Statutory Authority: Section 1-30 of the Illinois Procurement Code [30 ICS 500/1-30]
- 5) Effective Date: January 1, 2000
- 6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: The emergency rule will expire when it is replaced by a permanent rule.
- 7) Date filed with the Index Department: December 23, 1999
- 8) A copy of the emergency amendment, including any materials incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Reason for Emergency: This emergency amendment is needed to expedite the purchase of routine supplies and services and to remain consistent with the small purchase threshold of CMS for all State agencies.
- 10) Complete Description of the Subjects and Issues Involved: This amendment to the Treasurer's Procurement Rules will increase the small purchase threshold from \$10,000 to \$25,000.
- 11) Are there any other proposed amendments pending on this Part? No
- 12) Statement of Statewide Policy Objectives: These rules do not create or expand a state mandate.
- 13) Information and questions regarding this amendment shall be directed to:

Matthew A. Clarke
Office of the Illinois State Treasurer
100 W. Randolph Street, Suite 15-600
Chicago, Illinois 60601
(312) 814-8950

The full text of the emergency rules begins on the next page:

TREASURER'S OFFICE

NOTICE OF EMERGENCY AMENDMENT

TITLE 44: GOVERNMENT CONTRACTS, PROCUREMENTS, AND PROPERTY

SUBTITLE B: SUPPLEMENTAL PROCUREMENT RULES

CHAPTER 21: TREASURER

PART 1400
PROCUREMENT

SUBPART A: GENERAL

| | |
|----------|---|
| Section | |
| 1400.505 | Title |
| 1400.510 | Policy |
| 1400.515 | Applicability |
| 1400.520 | Definition of Terms |
| 1400.525 | Property Rights |
| 1400.530 | Department of Central Management Services |

SUBPART B: PROCUREMENT AUTHORITY

| | |
|-----------|---------------------------|
| Section | |
| 1400.1005 | Chief Procurement Officer |
| 1400.1010 | Purchasing Officer |
| 1400.1015 | Small Business Specialist |

SUBPART C: PUBLICATION, SOLICITATION AND DOCUMENTATION

| | |
|-----------|---------------|
| Section | |
| 1400.1505 | Publication |
| 1400.1510 | Solicitation |
| 1400.1515 | Documentation |

SUBPART D: PROCUREMENT METHODS

| | |
|-----------|------------------------------|
| Section | |
| 1400.2005 | Competitive Sealed Bidding |
| 1400.2010 | Multi-Step Sealed Bidding |
| 1400.2015 | Competitive Sealed Proposals |
| 1400.2020 | Small Purchases |

EMERGENCY

| | |
|-----------|---|
| 1400.2025 | Sole Source Procurements |
| 1400.2030 | Emergency Procurements |
| 1400.2035 | Procurement of Professional and Artistic Services |
| 1400.2040 | Procurement of Real Property Leases |
| 1400.2045 | Other Methods of Source Selection |

SUBPART E: GENERAL PROCUREMENT GUIDELINES

TREASURER'S OFFICE

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| | |
|-----------|---|
| Section | |
| 1400.2505 | General Provisions |
| 1400.2510 | Tie Bids and Proposals |
| 1400.2515 | Correction or Withdrawal of Proposals |
| 1400.2520 | Cancellation of Solicitations and Rejection of Offers |

SUBPART F: SPECIFICATIONS AND SECURITY REQUIREMENTS

| | |
|-----------|-----------------------|
| Section | |
| 1400.3005 | Specifications |
| 1400.3010 | Security Requirements |

SUBPART G: CONTRACTS

| | |
|-----------|------------------------------|
| Section | |
| 1400.3505 | Types of Contracts |
| 1400.3510 | Duration of Contracts |
| 1400.3515 | Contract Pricing |
| 1400.3520 | Contract Provisions |
| 1400.3525 | Prevailing Wage Requirements |

SUBPART H: DISPUTES, PROTESTS AND CONTROVERSIES

| | |
|-----------|--|
| Section | |
| 1400.4005 | Disputes and Protests Regarding Solicitations and Awards |
| 1400.4010 | Contract Controversies |
| 1400.4015 | Remedies |
| 1400.4020 | Suspension |

SUBPART I: PREFERENCES

| | |
|-----------|--|
| Section | |
| 1400.4505 | Procurement Preferences |
| 1400.4510 | Resident Vendor Preference |
| 1400.4515 | Soybean Oil-based Ink |
| 1400.4520 | Recycled Materials |
| 1400.4525 | Recycled Paper |
| 1400.4530 | Correctional Industries |
| 1400.4535 | Sheltered Workshops for the Disabled |
| 1400.4540 | Gas Mileage |
| 1400.4545 | Illinois Agricultural Products |
| 1400.4550 | Corn-based Plastics |
| 1400.4555 | Vehicles Powered by Agricultural Commodity-based Fuel |
| 1400.4560 | Small Businesses |
| 1400.4565 | Preferences for Veterans, Minorities, Females, and Persons with Disabilities |

SUBPART J: ETHICS

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Section
 1400.5005 Purpose
 1400.5010 Bribery
 1400.5015 Felons
 1400.5020 Conflicts of Interest
 1400.5025 Negotiations for Future Employment
 1400.5030 Revolving Door
 1400.5035 Disclosure of Financial Interests and Potential Conflicts of Interest
 1401.5040 Reporting Anticompetitive Practices
 1400.5045 Confidentiality
 1400.5050 Insider Information
 1400.5055 Additional Provisions
 1400.5060 Other Violations
 1400.5065 Supply Inventory

SUBPART K: CONCESSIONS

Section
 1400.5505 Concessions

SUBPART L: MISCELLANEOUS PROVISIONS OF GENERAL APPLICABILITY

Section
 1400.6005 Severability
 1400.6010 Government Furnished Property
 1400.6015 Inspections
 1400.6020 No Waiver of Sovereign Immunity
 1400.6025 Postage Stamps
 1400.6030 Printing
 1400.6035 Annual Reports

AUTHORITY: Implementing and authorized by Section 1-30 of the Illinois Procurement Code [30 ILCS 525/1-30].

SOURCE: Adopted by emergency rule at 22 Ill. Reg. 13169, effective July 1, 1998, for a maximum of 150 days; adopted at 22 Ill. Reg. 15644, effective August 24, 1998; amended by emergency rule at 24 Ill. Reg. 358, effective January 1, 2000, for a maximum of 150 days.

SUBPART D: PROCUREMENT METHODS

Section 1400.2020 Small Purchases

EMERGENCY

- a) Application
 Any individual procurement of supplies that does not exceed \$25,000
 \$16,400 or any individual procurement of professional or artistic

TREASURER'S OFFICE

NOTICE OF EMERGENCY AMENDMENT

services for a nonrenewable term of less than one year that does not exceed \$20,000, may, at the discretion of the Chief Procurement Officer, be made without notice, competition, publication, or use of any prescribed method of source selection.

- b) Adjustment
 Each July 1, the small purchase maximum established in subsection (a) will be adjusted for inflation as determined by the Consumer Price Index for All Urban Consumers as determined by the United States Department of Labor and rounded to the nearest \$100.
- c) In determining whether a contract is under the limit, the value of the contract for the full term and any optional renewals, as well as the stated value of the goods or services plus any optional goods and services, must be utilized. Where the term is calculated month-to-month or in a similar fashion, the amount must be calculated for a twelve-month period.
- d) Procurement requirements must not be artificially divided to avoid using one of the other source selection methods described in this Part.
- e) If, after signing the contract, the actual need is determined to be more than the limits provided in this Section, and the Chief Procurement Officer determines that procurement is not appropriate, the Chief Procurement Officer may follow the procedures for sole source or emergency procurement, if applicable, to obtain the additional supplies or services.

(Source: Amended by emergency rule at 24 Ill. Reg. 358, effective January 1, 2000, for a maximum of 150 days)

DEPARTMENT OF EMPLOYMENT SECURITY

JANUARY 2000 REGULATORY AGENDA

- a) Part(s) (Heading and Code Citation): Claims, Adjudication, Appeals and Hearings, 56 Ill. Adm. Code 2720

1) Rulemaking(s):

- A) The Department is considering an amendment to Section 2720.130 to eliminate the provision that the timeliness of a protest is determined by the postmark date of the envelope containing the protest (or the time imprinted by the Department's facsimile machine) only if it is mailed (or telefaxed) to the local office designated in the notice of claim to the employer. Such an amendment would provide that the timeliness of the protest would be measured from the postmark date on the envelope containing the protest (or time imprinted by the Department's facsimile machine) as long as it is sent to a Department of Employment Security facility. The Department is considering an amendment to Section 2720.275 to specify that recommended decisions in labor dispute cases are to be submitted to the Director, who will then issue a decision, accepting, rejecting or modifying the recommendation.

- B) Statutory Authority: 820 ILCS 405/239, 409, 500, 604, 700, 701, 702, 703, 705, 706, 800, 801, 803, 804, 805, 1000, 1001, 1002, 1004, 1200, 1700, 1701, 2300, 2301, 2302 and 2304.

- C) Schedule of date(s) for hearings, meetings or other opportunities for public participation: Specific criticisms, suggestions and/or comments can be forwarded to the Department of Employment Security in writing by interested persons during the First Notice Period.

- D) Date(s) agency anticipates First Notice(s): It is expected that First Notice for all amendments will be filed around February, 2000.

- E) Affect on small business, small municipalities or not for profit corporations: These rules would have an impact on all employers in the State.

- F) Agency contact person for information:

Gregory J. Ramel, Deputy Legal Counsel
Illinois Department of Employment Security
401 South State Street - 7th Floor South
Chicago, IL 60605
312-793-4240

DEPARTMENT OF EMPLOYMENT SECURITY

JANUARY 2000 REGULATORY AGENDA

- c) Part(s) (Heading and Code Citation): Administrative Hearings and Appeals, 56 Ill. Adm. Code 2725
- g) Related rulemakings and other pertinent information: None

1) Rulemaking(s):

- A) The Department is considering amendments to several Sections to specify that the timeliness of a protest, appeal, objection or similar tax document filed with the Department is measured by the postmark date of the envelope containing such document (or the time imprinted by the Department's facsimile machine) as long as it is sent to a Department of Employment Security facility, even if that facility is not the office designated to receive such filings.

- B) Statutory Authority: 820 ILCS 405/701, 702, 703, 705, 706, 1501, 1501.1, 1502, 1502.1, 1508, 1508.1, 1509, 1510, 1700, 1701, 2200, 2201, 2203, 2300, 2301, 2302, 2304 and 2305.

- C) Schedule of date(s) for hearings, meetings or other opportunities for public participation: Specific criticisms, suggestions and/or comments can be forwarded to the Department of Employment Security in writing by interested persons during the First Notice Period.

- D) Date(s) agency anticipates First Notice(s): It is expected that First Notice for all amendments will be filed around February, 2000.

- E) Affect on small business, small municipalities or not for profit corporations: These rules would have an impact on all employers in the State.

- F) Agency contact person for information:

Gregory J. Ramel, Deputy Legal Counsel
Illinois Department of Employment Security
401 South State Street - 7th Floor South
Chicago, IL 60605
312-793-4240

- c) Part(s) (Heading and Code Citation): Notices, Records, Reports, 56 Ill. Adm. Code 2760
- g) Related rulemakings and other pertinent information: None

1) Rulemaking(s):

DEPARTMENT OF EMPLOYMENT SECURITY

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A) The Department is considering a rule to specify when the Director will terminate an employer's unemployment tax account on her own initiative.

A proposed amendment to Section 2760.140 is intended to clarify the ramifications of an employer's failure to comply with this rule. The new example would explain that a reporting penalty is imposed monthly even if the employer submits its report on paper. When each penalty is imposed, the employer's contribution payment is reallocated to cover the penalty, and this will increase the balance of its unpaid contributions.

The second change to Section 2760.140 would clarify that, if the Internal Revenue Service grants an employer an exemption from its electronic reporting requirements for a particular year, the exemption will apply to the employer's compliance with this rule for the next year. For example, if the IRS exempts an employer from electronically filing W-2 forms for tax year 1998 (the forms must be filed in 1999), the employer need not file wage reports electronically or magnetically for any quarter in 1999.

A recent amendment to Section 1507 of the Act eliminates the requirement that an employer report a succession to substantially all of a predecessor's employing enterprise within 120 days of the succession in order to succeed to the predecessor's contribution rate if that rate is lower than that of the successor. Rules need to be adjusted to accommodate this amendment.

B) Statutory Authority: 820 ILCS 405/204, 234, 245, 300, 301, 302, 700, 1400, 1401, 1402, 1404, 1405, 1507, 1700, 1701, 1706, 1800, 1801, 2201 and 2208.

C) Schedule of date(s) for hearings, meetings or other opportunities for public participation: Specific criticisms, suggestions and/or comments can be forwarded to the Department of Employment Security in writing by interested persons during the First Notice Period.

D) Date(s) agency anticipates First Notice(s): It is expected that First Notice for this amendment will be filed around February, 2000.

E) Affect on small business, small municipalities or not for profit corporations: The rule on electronic reporting affects only entities with more than 250 employees. The

DEPARTMENT OF EMPLOYMENT SECURITY

JANUARY 2000 REGULATORY AGENDA

other amendments affect all employers.

F) Agency contact person for information:

Gregory J. Ramei, Deputy Legal Counsel
Illinois Department of Employment Security
401 South State Street - 7th Floor South
Chicago, IL 60605
312-795-4240

G) Related rulemakings and other pertinent information: None

d) Part(s) (Heading and Code Citation): Payment of Unemployment Contributions, Interest And Penalties, 56 Ill. Adm. Code 2765

1) Rulemaking(s):

A) A recent amendment to the Unemployment Insurance Act allows the Director, by regulation, to disregard credit balances of less than \$2.00 in an employer's account. The Department is considering a rule to implement the amendment. The Department is considering promulgating a rule illustrating the situations when, under the Unemployment Insurance Act, an employer is entitled to a refund of tax overpayments, as opposed to an adjustment of future liabilities.

B) Statutory Authority: 820 ILCS 405/212, 302, 500, 601, 602, 603, 612, 701, 1400, 1401, 1402, 1403, 1404, 1405, 1502.1, 1503, 1507, 1508, 1509, 1700, 1701, 2201, 2201.1 and 2600.

C) Schedule of date(s) for hearings, meetings or other opportunities for public participation: Specific criticisms, suggestions and/or comments can be forwarded to the Department of Employment Security in writing by interested persons during the First Notice Period.

D) Date(s) agency anticipates First Notice(s): It is expected that First Notice for this amendment will be filed around February, 2000.

E) Affect on small business, small municipalities or not for profit corporations: This rule affects all employers.

F) Agency contact person for information:

Gregory J. Ramei, Deputy Legal Counsel
Illinois Department of Employment Security
401 South State Street - 7th Floor South

DEPARTMENT OF EMPLOYMENT SECURITY

JANUARY 2000 REGULATORY AGENDA

Chicago, IL 60605
312-793-4240

- G) Related rulemakings and other pertinent information: None
- e) Part(s) (Heading and Code Citation): Recovery Of Benefits, 56 Ill. Adm. Code 2835

1) Rulemaking(s):

- A) The Department intends to promulgate rules regarding referral of overpayments for Comptroller's offsets.

- B) Statutory Authority: 820 ILCS 405/900, 901, 1700, 1701 and 1706.

- C) Schedule of date(s) for hearings, meetings or other opportunities for public participation: Specific criticisms, suggestions and/or comments can be forwarded to the Department of Employment Security in writing by interested persons during the First Notice Period.

- D) Date(s) agency anticipates First Notice(s): It is expected that First Notice for this amendment will be filed around February, 2000.

- E) Affect on small business, small municipalities or not for profit corporations: This rule would have no direct affect on employers.

- F) Agency contact person for information:

Gregory J. Rameel, Deputy Legal Counsel
Illinois Department of Employment Security
401 South State Street - 7th Floor South
Chicago, IL 60605
312-793-4240

- G) Related rulemakings and other pertinent information: None
- f) Part(s) (Heading and Code Citation): Claimant's Reason For Separation From work, 56 Ill. Adm. Code 2840

1) Rulemaking(s):

- A) The Department is considering promulgating a rule clarifying the necessary elements for the introduction of the results of a drug or alcohol test at a benefit hearing.

DEPARTMENT OF EMPLOYMENT SECURITY

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- B) Statutory Authority: 820 ILCS 405/601, 602, and 1701.

- C) Schedule of date(s) for hearings, meetings or other opportunities for public participation: Specific criticisms, suggestions and/or comments can be forwarded to the Department of Employment Security in writing by interested persons during the First Notice Period.

- D) Date(s) agency anticipates First Notice(s): It is expected that First Notice for this amendment will be filed around February, 2000.

- E) Affect on small business, small municipalities or not for profit corporations: This rule would affect all employers.

- F) Agency contact person for information:

Gregory J. Rameel, Deputy Legal Counsel
Illinois Department of Employment Security
401 South State Street - 7th Floor South
Chicago, IL 60605
312-793-4240

- G) Related rulemakings and other pertinent information: None
- g) Part(s) (Heading and Code Citation): Claimant's Availability For Work, Ability To Work, And Active Search For Work, 56 Ill. Adm. Code 2865

1) Rulemaking(s):

- A) Currently, the rules require that all applicants for unemployment insurance benefits register for work with the Job Service (to be redesignated as the Employment Service) except for certain specified reasons. In order to provide for the best possible referrals for employers, the Department would like to expand the reasons for exempting applicants from mandatory registration.

- B) Statutory Authority: 820 ILCS 405/409, 500, 1700 and 1701.

- C) Schedule of date(s) for hearings, meetings or other opportunities for public participation: Specific criticisms, suggestions and/or comments can be forwarded to the Department of Employment Security in writing by interested persons during the First Notice Period.

- D) Date(s) agency anticipates First Notice(s): It is expected that First Notice for this amendment will be filed around

DEPARTMENT OF EMPLOYMENT SECURITY

JANUARY 2000 REGULATORY AGENDA

February, 2000.

- E) Affect on small business, small municipalities or not for profit corporations: This rule has no direct effect on employers.

F) Agency contact person for information:

Gregory J. Ramez, Deputy Legal Counsel
Illinois Department of Employment Security
401 South State Street - 7th Floor South
Chicago, IL 60605
312-793-4240

- G) Related rulemakings and other pertinent information: None

- h) Part(s) (Reading and Code Citation): General Provisions, 56 Ill. Adm. Code 2960

1) Rulemaking(s):

- A) The Department is contemplating a rule which would allow the Department to share its employment service records with its Private Partners at Employment and Training Centers. The Department wishes to make it clear that it will allow Employment Service registrants to view unsuppressed job orders via the Internet. Responsibility for the Veterans Employment Act Program was transferred to the Department of Employment Security in 1993, and these rules provide guidelines for the Program's administration. The Department is considering an amendment to clarify the requirements for financial record keeping and to eliminate the requirement for an annual audit by the Department.

- B) Statutory Authority: 330 ILCS 25/1-25/7, 820 ILCS 405/1700, 1701, 1705 and 1900.

- C) Schedule of date(s) for hearings, meetings or other opportunities for public participation: Specific citizens, suggestions and/or comments can be forwarded to the Department of Employment Security in writing by interested persons during the First Notice Period.

- D) Date(s) agency anticipates First Notice(s): It is expected that First Notice for this amendment will be filed around February, 2000.

- E) Affect on small business, small municipalities or not for

DEPARTMENT OF EMPLOYMENT SECURITY

JANUARY 2000 REGULATORY AGENDA

profit corporations: This rule affects employers to the extent that information and job orders that they provide to the Job Service will become available to private industry partners and, with respect to the job orders, to job seekers on the Internet.

F) Agency contact person for information:

Gregory J. Ramez, Deputy Legal Counsel
Illinois Department of Employment Security
401 South State Street - 7th Floor South
Chicago, IL 60605
312-793-4240

- G) Related rulemakings and other pertinent information: None

GUARDIANSHIP AND ADVOCACY COMMISSION

JANUARY 2000 REGULATORY AGENDA

- a) Part(s) (Heading and Code Citation): Americans With Disabilities Act Grievance Procedure, 4 Ill. Adm. Code 850

1) Rulemaking:

- A) Description: The Guardianship and Advocacy Commission is preparing a rulemaking proposal that would amend the existing regulations by updating the agency's addresses and legal citations contained in this part.

- B) Statutory Authority: Section 1 et seq. of the Guardianship and Advocacy Act [20 ILCS 3955/1 et seq.]

- C) Scheduled meeting/hearing dates: None are scheduled at this time. Nonetheless, members of the public may submit views or comments in writing to the individual identified in item F, below.

- D) Date agency anticipates First Notice: February 14, 2000

- E) Affect on small business, municipalities or not-for-profit corporations: None

F) Agency contact person for information:

Ms. Amy Kreidler
Illinois Guardianship and Advocacy Commission
Office of the Director
421 East Capitol Avenue
Suite 205
Springfield, Illinois 62701-1711
(217) 785-8981
(312) 793-5937 (TDD)

- G) Related Rulemaking and other pertinent information: None

- b) Part(s) (Heading and Code Citation): Public Information, Rulemaking and Organization, 2 Ill. Adm. Code 1875

1) Rulemaking:

- A) Description: The Guardianship and Advocacy Commission is preparing a rulemaking proposal that amends the existing regulations by updating the legal citations, organizational charts, the process for requesting information and commenting to the Commission, and updating addresses contained in this part.

- B) Statutory Authority: Section 1 et seq. of the Guardianship and Advocacy Act [20 ILCS 3955/1 et seq.]

GUARDIANSHIP AND ADVOCACY COMMISSION

JANUARY 2000 REGULATORY AGENDA

- C) Scheduled meeting/hearing dates: None are scheduled at this time. Nonetheless, members of the public may submit views or comments in writing to the individual identified in item F, below.

- D) Date agency anticipates First Notice: February 14, 2000

- E) Affect on small business, municipalities or not-for-profit corporations: None

F) Agency contact person for information:

Ms. Amy Kreidler
Illinois Guardianship and Advocacy Commission
Office of the Director
421 East Capitol Avenue
Suite 205
Springfield, Illinois 62701-1711
(217) 785-8981
(312) 793-5937 (TDD)

- G) Related Rulemaking and other pertinent information: None

- c) Part(s) (Heading and Code Citation): Human Rights Authority, 59 Ill. Adm. Code 310

1) Rulemaking:

- A) Description: The Guardianship and Advocacy Commission is preparing a rulemaking proposal that would amend the existing regulations by changing the governing rules for the Human Rights Authority contained in this part.

- B) Statutory Authority: Section 1 et seq. of the Guardianship and Advocacy Act [20 ILCS 3955/1 et seq.]

- C) Scheduled meeting/hearing dates: None are scheduled at this time. Nonetheless, members of the public may submit views or comments in writing to the individual identified in item F, below.

- D) Date agency anticipates First Notice: February 14, 2000

- E) Affect on small business, municipalities or not-for-profit corporations: None

F) Agency contact person for information:

GUARDIANSHIP AND ADVOCACY COMMISSION

JANUARY 2000 REGULATORY AGENDA

Ms. Amy Kreider
Illinois Guardianship and Advocacy Commission
Office of the Director
421 East Capitol Avenue
Suite 205
Springfield, Illinois 62701-1711
(217) 785-8981
(312) 793-5937 (TDD)

G) Related Rulemaking and other pertinent information: None

ILLINOIS AFFORDABLE HOUSING PROGRAM

NOTICE OF PUBLIC INFORMATION

ANNUAL PLAN OF THE ADVISORY COMMISSION

The Illinois Affordable Housing Act (310 ILCS 65/1 et seq. the "Act") established the Illinois Affordable Housing Program (the "Program") to provide affordable housing to low and very low income persons and families. The Act established the Illinois Affordable Housing Trust Fund (the "Trust Fund") within which is deposited 50% of the collections from the State real estate transfer tax. The Trust Fund monies fund the Program.

Funds are distributed and made available under the Program through two subprograms. The Housing Trust Fund ("HTF") Program which has been in operation since the establishment of the Program provides subordinate gap financing or grants in a maximum amount of generally not to exceed \$1,500,000 per applicant per year. In 1994, the Authority created the Trust Fund Bond (TFB) Program. The TFB Program was created by leveraging Trust Fund monies to securitize and collateralize private taxable bond issues. The Bonds were sold in two funds. Funds from the sale of the bonds were then used to provide first mortgage loans to eligible developers of multi-family developments. No additional Bond sales are planned.

The Act creates an Advisory Commission (the "Commission") to advise the Illinois Housing Development Authority (the "Authority") as to the operation of the Program. The Act provides that the Commission carry out certain responsibilities, including, the development and publication of a plan. Section 17(a) of the Act requires the Commission to prepare and publish in the Illinois Register a plan which describes the available resources to the Program, the application process for the Program, and the initial priorities for expenditure of the available resources. Pursuant to Section 17(a) of the Act, the Advisory Commission to the Illinois Affordable Housing Program has prepared the following plan.

I. Available Resources

Based on a review of the Program and projections by the Illinois Department of Revenue, the monies available to be spent on the Program in fiscal year 1999 shall be approximately \$44 million. Of the total monies available, approximately \$5.3 million has been pledged to the TFB Program.

II. Application Process

The applicant must first complete an application form created by the Authority. The application requests, among other things, the following information:

a. A general description of the proposed project.

ILLINOIS AFFORDABLE HOUSING PROGRAM

NOTICE OF PUBLIC INFORMATION

ANNUAL PLAN OF THE ADVISORY COMMISSION

- b. The total number of units, total number of low and very low income units, unit size and mx, and the respective rents or purchase prices to be charged.
- c. A breakdown of the project budget's uses and sources.
- d. A development plan which outlines the project's completion schedule and identifies the project's participants and anticipated funding sources.
- e. The background, housing experience, and financial status of the applicant.

The Authority charges a \$250 application fee to non-profit organizations and \$500 to for-profits which must accompany the HTF application.

After the applicant submits the application, the Authority will review it to determine whether the project, as proposed, satisfies the purposes and requirements of the Act and the Rules promulgated thereunder. The Authority will notify the applicant within approximately 30 days if the application fails to meet these requirements. If the application meets these basic requirements the Authority staff, in cooperation with the applicant, will establish and obtain the additional information necessary to properly evaluate the project. The Authority staff will then analyze the project's feasibility. Based on this analysis, the Authority will make its recommendation to the Commission. Prior to the Commission review, the Authority will notify parties interested in the application, including local officials, of the details of the project. The recommendations of the Authority staff together with those of the Commission will then be presented to the Authority's Board of Directors (the "Board") for approval consideration. Upon approval by the Board, the Authority staff will deliver a conditional commitment to the applicant.

III. Priorities

The following statement represents the initial priorities for the evaluation of Program applications. The priorities and goals stated below represent guidelines to be followed in evaluating applications and are not intended to be exhaustive. The Commission may modify these priorities and goals as the Program evolves.

- a) Priority should be given to those HTF applications which demonstrate that the applicant has explored and exhausted other available public and private resources.
- b) Priority should be given to those projects which provide the most

ILLINOIS AFFORDABLE HOUSING PROGRAM

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affordable housing for the longest period of time, with a goal of ensuring that some Trust Fund monies be directed to the lowest income population.

- c) The Program should ensure an equitable distribution of Trust Fund monies across the State by establishing a goal of funding a proportionate number of units in the Chicago metropolitan area, other metropolitan areas and rural areas as compared to those area's percentage of State population.

DEPARTMENT OF LABOR

NOTICE OF PUBLIC INFORMATION

CONTRACTOR PROHIBITED FROM AN AWARD
OF A CONTRACT OR SUBCONTRACT
FOR PUBLIC WORKS PROJECTIONS

Pursuant to the consent findings, decision and order in Per Mar Security & Research Corp. v. Healy, State File No. 99-PW-DC09-0776, the Director of the Department of Labor gives notice that Per Mar Security and Research Corporation, d/b/a Per Mar Security Services [hereinafter, "Per Mar"], 1910 East Kimberly Road, P.O. Box 4227, Davenport, Iowa 52808-4227, its officers, agents, and all persons acting in Per Mar's behalf and interest, and any firm, corporation, partnership or association in which Per Mar, its officers, agents, and all persons acting in Per Mar's behalf and interest, have an interest, are prohibited from being awarded any contract or subcontract for a public works project until November 23, 2000. This does not prohibit Per Mar from performing ongoing work on existing contracts, subcontracts, or agreements, such as adding to an existing system that it installed or currently maintains.

Copies of the Prevailing Wage Act are available on the internet at <<http://www.legis.state.il.us/ilcs/ch820act130.htm>>, and at the:

Illinois Department of Labor
Conciliation and Mediation Division
One West Old State Capital Plaza, Room 300
Springfield, Illinois 62701-1217

JOINT COMMITTEE ON ADMINISTRATIVE RULES

STRATTON OFFICE BUILDING
ROOM C-1
SPRINGFIELD, ILLINOIS
9:00 A.M.
JANUARY 12, 2000

NOTICES: Due to Register submittal deadlines, the Agenda below may be incomplete. Other items not contained in this published Agenda are likely to be considered by the Committee at the meeting.

It is the policy of the Committee to allow only representatives of State agencies to testify orally on any rule under consideration at Committee hearings. If members of the public wish to express their views with respect to a proposed rule, they should submit written comments to the Office of the Joint Committee on Administrative Rules at the following address:

Joint Committee on Administrative Rules
700 Stratton Office Building
Springfield, Illinois 62706

RULEMAKINGS SCHEDULED FOR JCAR REVIEW

The following rulemakings are scheduled for review at this meeting. JCAR staff may be proposing action with respect to some of these rulemakings. JCAR members may have questions concerning, and may initiate action with respect to, any item scheduled for JCAR review and any other issues within the Committee's purview.

PROPOSED RULEMAKINGS

Auditor General

1. Repeal of Purchases and Contracts (44 Ill Adm Code 500)
-First Notice Published: 23 Ill Reg 12841 - 10/22/99
-Expiration of Second Notice: 1/20/00
2. Standard Procurement (44 Ill Adm Code 500)
-First Notice Published: 23 Ill Reg 12845 - 10/22/99
-Expiration of Second Notice: 1/20/00
3. Code of Rules (74 Ill Adm Code 440)
-First Notice Published: 23 Ill Reg 12834 - 10/22/99
-Expiration of Second Notice: 1/20/00

Banks and Real Estate
4. Auction License Act (68 Ill Adm Code 1440)
-First Notice Published: 23 Ill Reg 13349 - 11/5/99
-Expiration of Second Notice: 2/9/00

JOINT COMMITTEE ON ADMINISTRATIVE RULES

STRATTON OFFICE BUILDING
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SPRINGFIELD, ILLINOIS
9:00 A.M.
JANUARY 12, 2000

Central Management Services

5. Standard Procurement (44 Ill Adm Code 1)
-First Notice Published: 23 Ill Reg 11762 - 9/24/99
-Expiration of Second Notice: 1/19/00

Commerce and Community Affairs

6. Job Training and Economic Development Demonstration Grant Program (56 Ill Adm Code 2660)
-First Notice Published: 23 Ill Reg 12505 - 10/15/99
-Expiration of Second Notice: 2/4/00
7. Welfare-to-Work Block Grant Program (56 Ill Adm Code 2665)
-First Notice Published: 23 Ill Reg 814 - 1/24/99
-Expiration of Second Notice: 2/4/00

Higher Education

8. Graduation Incentive Grants (23 Ill Adm Code 1002)
-First Notice Published: 23 Ill Reg 13174 - 10/29/99
-Expiration of Second Notice: 2/2/00

Human Services

9. Temporary Assistance for Needy Families (89 Ill Adm Code 112)
-First Notice Published: 23 Ill Reg 12064 - 10/8/99
-Expiration of Second Notice: 1/23/00

10. Aid to the Aged, Blind or Disabled (89 Ill Adm Code 113)
-First Notice Published: 23 Ill Reg 12019 - 10/8/99
-Expiration of Second Notice: 1/23/00

11. General Assistance (89 Ill Adm Code 114)
-First Notice Published: 23 Ill Reg 12048 - 10/8/99
-Expiration of Second Notice: 1/23/00

12. Administration of Medication in Community Settings (59 Ill Adm Code 116)
-First Notice Published: 23 Ill Reg 11812 - 10/1/99
-Expiration of Second Notice: 2/9/00

Liquor Control Commission

JOINT COMMITTEE ON ADMINISTRATIVE RULES

STRATTON OFFICE BUILDING
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SPRINGFIELD, ILLINOIS
9:00 A.M.
JANUARY 12, 2000

13. The Illinois Liquor Control Commission (11 Ill Adm Code 100)
-First Notice Published: 23 Ill Reg 12518 - 10/15/99
-Expiration of Second Notice: 1/14/00

14. Beverage Alcohol Sellers and Servers Education and Training (BASSET) Programs (77 Ill Adm Code 3500)
-First Notice Published: 23 Ill Reg 12514 - 10/15/99
-Expiration of Second Notice: 1/14/00

Natural Resources

15. Camping on Department of Natural Resources Properties (17 Ill Adm Code 130)
-First Notice Published: 23 Ill Reg 12523 - 10/15/99
-Expiration of Second Notice: 2/2/00

16. Consignment of Licenses, Stamps and Permits (89 Ill Adm Code 2520)
-First Notice Published: 23 Ill Reg 13048 - 10/22/99
-Expiration of Second Notice: 1/23/00

17. Repeal of Illinois Salmon Stamp Contest Procedures (17 Ill Adm Code 2550)
-First Notice Published: 23 Ill Reg 12530 - 10/15/99
-Expiration of Second Notice: 1/14/00

Professional Regulation

18. Interior Design Profession Title Act (68 Ill Adm Code 1255)
-First Notice Published: 23 Ill Reg 12295 - 10/18/99
-Expiration of Second Notice: 1/14/00

Public Aid

19. Hospital Services (89 Ill Adm Code 148)
-First Notice Published: 23 Ill Reg 8586 - 7/30/99
-Expiration of Second Notice: 1/14/00

Revenue

20. Internet Filing of Illinois Individual Income Tax Returns (86 Ill Adm Code 106)
-First Notice Published: 23 Ill Reg 13188 - 10/29/99
-Expiration of Second Notice: 2/2/00

JOINT COMMITTEE ON ADMINISTRATIVE RULES

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9:00 A.M.
JANUARY 12, 2000

EMERGENCY AND PEREMPTORY RULEMAKINGSNatural Resources

21. Duck, Goose and Coot Hunting (17 Ill Adm Code 590) (Emergency)
-Notice Published: 23 Ill Reg 14640 - 12/17/99

Revenue

22. Real Estate Transfer Tax (86 Ill Adm Code 120) (Emergency)
-Notice Published: 23 Ill Reg 14765 - 12/27/99

EXEMPT RULEMAKINGPollution Control Board

23. Primary Drinking Water Standards (35 Ill Adm Code 611; 23 Ill Reg 12160)
-Proposed Date: 10/8/99
-Adopted Date: 12/27/99

JOINT COMMITTEE ON ADMINISTRATIVE RULES

ILLINOIS GENERAL ASSEMBLY
SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of December 21, 1999, through December 27, 1999 and have been scheduled for review by the Committee at its January 12, 2000 meeting in Springfield. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

| Second Notice Expires | Agency and Rule | Start Of First Notice | JCAR Meeting |
|-----------------------|--|------------------------------|--------------|
| 2/4/00 | Department of Commerce and Community Affairs, Welfare-to-Work Block Grant Program (56 Ill Adm Code 2665) | 1/22/99 23 Ill Reg 814 | 1/12/00 |
| 2/4/00 | Department of Commerce and Community Affairs, Job Training and Economic Development Demonstration Grant Program (56 Ill Adm Code 2660) | 10/15/99 23 Ill Reg 12505 | 1/12/00 |
| 2/9/00 | Office of Banks and Real Estate, Auction License Act (68 Ill Adm Code 1440) | 11/5/99 23 Ill Reg 13349 | 1/12/00 |
| 2/9/00 | Department of Human Services, Administration of Medication in Community Settings (59 Ill Adm Code 116) | 10/1/99 23 Ill Reg 11812 | 1/12/00 |

Rules acted upon during the calendar quarter from Issue 1 through Issue 16 are listed in the Issues Index by Title number, Part number and issue number. For example, 50 Ill. Adm. Code 2500 published in Issue 1 will be listed as 50,2500-1. The letter "R" designates a rule that is being repealed. Inquiries about the Issues Index may be directed to the Administrative Code Division at 217-782-4414 or jnatale@ccgate.sos.state.il.us (Internet address).

PROPOSED

- 2-1610-1
- 2-3100-2
- 8-250-2
- 14-130-2
- 23-350-2
- 35-283-2
- 35-1500-2
- 44-1400-2
- 59-350-1
- 74-725-2
- 80-1540-1
- 83-726-1
- 89-120-1
- 89-682-1
- 89-686-2

ADOPTED

- 2-1125-1
- 2-1826R-2
- 2-1827R-2
- 2-2375-1
- 17-180R-1
- 23-1501-2
- 38-375-2
- 38-1000-1
- 38-1050-1
- 38-1075-1
- 41-171-2
- 71-40-2
- 80-3000-2
- 89-112-2
- 89-679-2

EMERGENCY

- 2-3100-2
- 14-130-2
- 35-1500-2
- 44-1400-2
- 74-725-2
- 83-726-1

PEREMPTORY



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<http://www.sos.sos.state.il.us>

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Springfield, IL 62756

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